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ABSTRACT

This state plan (amended, and adopted June 16, 1989) describes Wisconsin's programs to address the educational needs of homeless children and youth, as mandated by provisions of the Stewart B. McKinney Homeless Assistance Act of 1987. The plan is comprised of a preface and four sections. The preface reports that 17 counties have been targeted for immediate state action. The first section includes: (1) an introduction discussing McKinney Act requirements; (2) definitions of terms used in the plan; and (3) an index providing cross references between federal regulations and Wisconsin state plan provisions. The second section details state compliance with (1) McKinney Act requirements in the following categories: (1) public notice and opportunity to comment; (2) provision of educational programs for homeless children; (3) compulsory attendance; (4) educational standards; (5) school meals; (6) transportation; (7) pupil records; (8) data collection; (9) pupil discrimination; (10) school district compliance determination; and (11) resolution of disputes. The third section presents a timeline of nine major activities that led to the development of the Wisconsin state plan in 1989. The following documents are appended to comprise the fourth section: (1) text of the McKinney Act; (2) compulsory attendance statutes; (3) educational standards; (4) the compliance response form; (5) Chapter PI 1, Wisconsin Administrative Code; and (6) the interim report, final report, and revised final report. (AF)

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Amended

ED309200

WISCONSIN
STATE PLAN FOR THE EDUCATION OF HOMELESS CHILDREN

Adopted by Agency
June 16, 1989

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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STATE SUPERINTENDENT
June 1989

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PREFACE

Homeless children and youth, whether they are with or separated from their families, have a right to a free and appropriate public education. Recognizing the need for public policy and attention to this problem, Congress enacted in 1987 the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. ss. 11301-11472). Through this State Plan, the Wisconsin Department of Public Instruction affirms its commitment to fully addressing the educational need of homeless children and youth and provides direction for school districts to serve these pupils consistent with the Act.

Homelessness among families is increasing dramatically nationwide. The increase in homelessness in Wisconsin has been extensively documented. The growth in the size of Wisconsin's homeless population is the result of insufficient appropriate housing as well as increasing inability of those with no or low income to purchase or rent the available housing. Changes in Wisconsin's economy have produced considerable unemployment, especially among minority populations. The problem of homelessness is seen most dramatically in three of Wisconsin's largest cities: Madison, Milwaukee, and Racine. All three are overrepresented both in the proportion of low income populations and in aging, marginal housing units.

While the problem is most dramatic in the cities, it can be as desperate in rural areas and small towns where there are few, if any, services and often no emergency shelter facilities. Three-quarters of the state of Wisconsin is considered rural.

Thus far, seventeen counties have been targeted for purposes of this grant program (Ashland, Brown, Dane, Fond du Lac, Kenosha, LaCrosse, Marathon, Marinette, Manitowoc, Milwaukee, Outagamie, Polk, Portage, Racine, Rock, Sheboygan, and Waukesha). Targeted counties are those with a high degree of two or more of the following:

- Alcohol and Other Drug Abuse
- Chronically Mentally Ill
- Delinquency Rates
- Domestic Violence Facilities
- Emergency Shelters
- Local Educational Agency Concerns
- Poverty
- Concentrations of Minority Grou

Through this grant program, the Department of Public Instruction reaffirms its commitment to providing leadership, technical assistance, and resources on behalf of the education of homeless children and youth.

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I

INTRODUCTION

—The Stewart B. McKinney Homeless Assistance Act—

(42 U.S.C. ss. 11301-11472)

The State Plan for Homeless Children and Youth which follows is submitted pursuant to requirements set forth under 42 U.S.C. s. 11432 (e). Those prescriptive requirements are listed below. In enacting Part B, Subchapter VI of the Act, Congress states its policy in this matter to be that:

(1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and

(2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate education (42 U.S.C. s. 11431).

42 U.S.C. s. 11432 (e) provides that:

(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to—

(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children and youth.

(2) Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (3) through (6).

(3) The local educational agency of each homeless child or youth shall either—

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year, or

(B) enroll the child or youth in the school district where the child or youth is actually living; whichever is in the child's best interest or the youth's best interest.

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

(6) The school records of each homeless child or youth shall be maintained—

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with section 438 of the General Education Provisions Act.

Definition of Terms

The following definitions apply to Wisconsin's State Plan:

1. **"Child" or "Youth"**—Persons who, if they were children of residents of the State, would be entitled to a free [and appropriate] public education. (See U.S. Department of Education's Nonregulatory Guidance, Title VII, Subtitle B, PL 100-77, November 1987).

2. **"Free, appropriate public education"**—A free, appropriate public education means the educational programs and services that are provided the children of a resident of a State, and that are consistent with State school attendance laws (42 U.S.C. s. 11431 (1)). It includes educational services for which the child meets the eligibility criteria, such as compensatory education programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs (42 U.S.C. s. 11432 (e) (5)).

3. **"Homeless"**—A homeless individual is one who (1) lacks a fixed, regular and adequate nighttime residence or (2) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings (42 U.S.C. s. 11302 (a)).

   The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained by an Act of Congress or a State law (42 U.S.C. s. 11302 (c)).

4. **"Local Education Agency"**—A local education agency (LEA) means a public school district operating under Chapters 115-121, Wisconsin Statutes.

Index of Plan Provisions with Federal Regulations

The information which follows provides an index to cross reference requirements of the Stewart B. McKinney Homeless Assistance Act with the provisions of this plan.

42 U.S.C. s. 11432 (e)

(1) (A) — See introductory statement, Part II, page 5.

(1) (B) — See Part II, Resolution of Disputes, page 11.

(3) (A) (B) — See Part II, Provision of Educational Programs for Homeless Children, Enrollment, 2, page 6.

(4) — Same as (3) (A) (B)

(5) — See Part II, Provision of Educational Programs for Homeless Children, Placement, page 7.

(6) (A) (B) — See Part II, Pupil Records, page 10.

II

WISCONSIN STATE PLAN FOR THE EDUCATION OF HOMELESS CHILDREN

In adopting this plan, the Wisconsin Department of Public Instruction affirms that all determinations required under Part B, Subchapter VI of the Stewart B. McKinney Homeless Assistance Act, shall be made by the department or school district consistent with State law. All programs and services provided by school districts to homeless children and youth shall be comparable to those provided to all other pupils enrolled in the district.

Public Notice and Opportunity to Comment.

The Wisconsin Department of Public Instruction, prior to final adoption of this plan, made the state plan available to the general public for comment, held three public hearings, and provided opportunity for comment by the general public on this plan.

A. Notices were provided to the general public in regard to the public hearings; the scope and purpose of the plan; the availability of the plan; the time, date and location of each public hearing; and the procedures for submission of the plan to the U.S. Department of Education.

B. Notices were posted and announced through other media with circulation adequate to notify the general public about the hearings and sufficiently in advance to notify the general public about the hearings and to afford interested parties throughout the state reasonable opportunity to participate.

C. The public hearings were scheduled at times and places reasonably convenient for public participation. The proposed State Plan was made available for comment for a period of 15 days following the public hearings. All public comments were reviewed and considered.

Provision of Educational Programs for Homeless Children

Serving homeless children and youth can be enhanced when school districts work closely with interested/involved community agencies and groups. Toward this end, it is recommended that school districts establish district-based inter-agency advisory committees to address educational and related services to the homeless. Concerns such as the need to provide for continuity of instruction, recordkeeping (both academic and health records), employment training, information sharing regarding services available, and so forth, could be discussed at such inter-agency committee meetings. Members of such a committee might include staff of programs (e.g., Special Education, Chapter 1 Migrant, Bilingual Education, ESOL) which also serve homeless children.

The inter-agency coordination should serve to address concerns related to education such as parent involvement, health, housing and social services.

Residency. The *Thayer Rule* (a Wisconsin Supreme Court decision) regarding residency assures that a child or youth residing in a school district—which is other than that of his or her parent or guardian and for purposes other than to participate in the advantages which the school affords—shall be provided a free education in the school district. In providing for the education of homeless children and youth in Wisconsin, each school district should adopt policies and procedures which ensure that:

1. Community agencies and groups providing shelters for homeless individuals promptly refer to local school officials homeless children and youth whenever they locate in the community.

2. Determination of the homeless child's or youth's school residency is made consistent with applicable state law and the child's or youth's best educational interests and needs. Residency of a homeless child or youth at any given time will be in the school district in which the homeless child or youth attends school (see s. 121.84(1)(a), Stats.).

3. Potential barriers to school enrollment (e.g., immunization records, birth certificates) are identified and alternative procedures are established to obtain such information when school

records or documents are not readily available. These procedures should include provision for attaining compliance with applicable statutes (e.g., immunization) whenever it is determined that such need exists.

The determination of residency in the case of homeless children and youth can be complex. In this determination, one must remember that by definition the homeless individual is someone who lacks a fixed, regular or adequate nighttime residence or who may have a primary nighttime residence for a limited period of time in a publicly or privately operated shelter. School districts will find that the federal law provides ample flexibility for making residency determinations consistent with both state law and the best interests of the individual pupil. The department will provide additional clarification regarding residency determination of homeless children and youth, within PI 14, the administrative rules governing pupil membership counting and school finance.

Placement. School districts are authorized to make the determination regarding the educational placement of homeless children and youth. Parents should be involved in decisions related to educational placements. Homeless pupils who meet eligibility criteria for programs such as Children At Risk, Special Education, Chapter I, ESOL, Migrant Education, or Gifted Education will be provided those services. As indicated in the beginning of this section, all services provided to homeless pupils shall be comparable to services offered to other pupils in the school including transportation, school meals, and other pupil support services.

School districts have authority to assign pupils, including the homeless, who are married, parents, pregnant, or re-enrolled in special programs offered by the district within the regular day-time program, provided the programs are designed to earn credit toward a high school diploma.

Compulsory Attendance

Provided in Appendix B are the state statutes governing compulsory attendance. These requirements are applicable to homeless children and youth and also reflect the numerous educational opportunities available to serve the needs of homeless pupils.

Unless a child is excused from regular school attendance under certain conditions (see s. 118.15, Stats.) or has graduated from high school, any person having under their control a child who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.

All children, including those who are homeless, are subject to the provisions of the state's compulsory school attendance statute. All children and youth, including homeless, who meet the following conditions are eligible for enrollment in the appropriate educational programs of the public schools:

1. Children who attain the age of four by September 1 in the year that they propose to enter school are eligible for enrollment in a 4-year-old kindergarten if available at the public school of residence.

2. Children who attain the age of five by September 1 in the year that they propose to enter school are eligible for enrollment in the kindergarten program.

3. Children who attain the age of six by September 1 shall enroll in the first grade.

4. A resident 18 to 20 years of age who has not received a high school diploma shall be admitted to school upon application.

5. A resident over 20 years of age who has not received a high school diploma may be admitted to school when in the judgment of the school board the resident will not interfere with the pupils of school age.

6. Children and youth determined to have exceptional educational needs (EEN) are eligible for enrollment in appropriate special education programs through age 21 unless they have received a high school, special education, or equivalent diploma.

Educational Standards

Wisconsin educators and education policymakers have collaborated effectively in recent years to develop standards which promote educational excellence in the state's public elementary and secondary schools. Commonly referred to as the Blueprint for Excellence, these standards also fulfill a state constitutional requirement (Article X) that the legislature create school districts "as nearly uniform as possible."

Wisconsin's educational standards focus on children and youth, assuring that each individual pupil, including those who are homeless, will have increased opportunities for quality education. By establishing minimum expectations for each school district's total educational program, the standards clearly signal the state's intent that a comprehensive range of instructional programs and support services will be provided to all children and youth, regardless of where they reside. The standards are a comprehensive and integrated set of requirements intended to guarantee every Wisconsin pupil equal access to a quality education (see Appendix C).

A child or youth defined as homeless under the Stewart B. McKinney Homeless Assistance Act will be covered under these standards and offered the same educational opportunities in the public schools as are resident pupils.

School Meals

Homeless pupils, living alone, may complete and sign their own free or reduced price meal application. In this case, only the pupil's income is considered to determine eligibility for free or reduced price meals.

In the event that a homeless pupil, known to be eligible, does not submit a completed application for free or reduced price meals, an official of the school district may complete an application to establish eligibility. When exercising this option, the school official shall make an eligibility determination and complete an application on behalf of the pupil based on the best economic unit size and income information available. The source of the information must be noted. Social security numbers of economic unit members need not be secured and these applications for free or reduced price meals may be excluded from verification. The economic unit must be notified that the pupil has been certified and is receiving free or reduced-price benefits. This option is intended for use in individual situations and does not allow eligibility determinations for categories or groups of children.

Transportation

Homeless children and youth shall be transported to and from school in a uniform manner consistent with transportation provided to all other public and private school pupils residing in the school district. Because of unique needs which are likely to arise in serving the educational needs of homeless pupils, school districts are encouraged to develop policies and procedures that ensure the school attendance and afford instructional continuity for these pupils.

The department will provide technical assistance to school districts regarding the development and operation of these policies.

Pupil Records

The school records (pupil records) of homeless children and youth shall be maintained by local educational agencies in the State consistent with provisions of the Family Educational Rights and Privacy Act and s. 118.125, Stats. The department will provide technical assistance to school districts in order to expedite the timely transfer of pupil's records between school districts as well as between public and private schools as may be needed.

Data Collection

Data on the number and location of homeless children and youth will be collected annually by the Wisconsin Department of Public Instruction in collaboration with the State Department of Health and Social Services. Data gathering will also include the nature and extent of problems of access to, and placement of homeless children and youth. These data will be tabulated and sent to the U.S. Department of Education on December 31 annually as required under the Act.

Pupil Discrimination

Pupil discrimination is prohibited in Wisconsin under s. 118.13, Stats.:

> (1) No person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

This prohibition includes homeless children and youth in Wisconsin.

School District Compliance Determination

The department has developed a Response Form to use in assuring the compliance of local educational agencies with applicable provisions of the Act (42 U.S.C. s. 11432 (e) (2)). Provided in this form is a series of questions addressing issues related to the needs of homeless children and pupils and the role of the school in providing educational programs and services to these pupils. Department staff will schedule onsite visits with school district personnel and each school visited will be requested to complete the Response Form. See Appendix D for a copy of the form.

Resolution of Disputes

Pursuant to the requirements of 42 U.S.C. s. 11432 (e) (1) (B), each school district should develop policies to resolve disputes in regard to the educational placements of homeless children and youth.

In the event the dispute cannot be resolved locally, interested parties may request a review of the dispute by the Assistant Superintendent, Division for Handicapped Children and Pupil Services, Department of Public Instruction. The Assistant Superintendent will address the issues in the dispute within 15 days from the receipt of a written request for resolution.

The Assistant Superintendent may, if the issue is not resolved in the written review, assign staff of the department to make onsite visits to further clarify and resolve the issue. All disputes shall be resolved within 60 days unless given a written extension.

The State Superintendent or his/her designee will review disputes which have not been resolved by the Assistant State Superintendent using the procedures available under Chapter PI-1, Wisconsin Administrative Code (Appendix E). The results of investigations conducted by the department regarding disputes will be reported annually to the appropriate officials at the U.S. Department of Education.

III

TIMELINE OF MAJOR ACTIVITIES

The State Plan for Homeless Children and Youth is being developed for Wisconsin under the following timeline. This timeline will be generally adhered to so that Wisconsin will remain in compliance with the terms and funding requirements of the Stewart B. McKinney Homeless Assistance Act.

March 1, 1989	Appoint agency work group to prepare plan
March 30	Complete proposed state plan
April 7	Proposed plan approved by State Superintendent
April 15	Proposed plan submitted to U.S. Department of Education (ED Dept.)
May 19	Public hearings completed
June 16	Final plan completed and submitted to ED Dept.
July 14	Program implementation issues resolved and state statute amendments proposed
August 18	Technical Assistance Workshops completed
September 11	Technical assistance and monitoring visits initiated

*HC PS 12

SEC. 702. STATEWIDE LITERACY INITIATIVES. 42 USC 11421.

(a) GENERAL AUTHORITY.—The Secretary of Education shall make Grants.
ants to State educational agencies to enable each such agency to velop a plan and implement a program of literacy training and sic skills remediation for adult homeless individuals within the ate, which shall—

(1) include a program of outreach activities; and

(2) be coordinated with existing resources such as community-based organizations, VISTA recipients, adult basic education program recipients, and nonprofit literacy-action organizations.

(b) APPLICATION.—Each State educational agency desiring to re-ive its allocation under this section shall submit to the Secretary f Education an application at such time, in such manner, and ontaining such information as the Secretary may reasonably equire.

(c) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) There are authorized to be appropriated $7,500,000 for fiscal year 1987 and $10,000,000 for fiscal year 1988, for the adult literacy and basic skills remediation programs authorized by this section.

(2) The Secretary of Education shall distribute funds to States on the basis of the assessments of the homeless population in the States made in the comprehensive plans submitted under this Act, except that no State shall receive less than $75,000 under this section.

(d) DEFINITION.—As used in this section, the term "State" means ach of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subtitle B—Education for Homeless Children and Youth

SEC. 721. STATEMENT OF POLICY. 42 USC 11431.

It is the policy of the Congress that—

(1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and

(2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and undertake steps to revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education.

SEC. 722. GRANTS FOR STATE ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH. 42 USC 11432.

(a) GENERAL AUTHORITY.—The Secretary of Education is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (c), (d), and (e).

(b) ALLOCATION.—From the amounts appropriated for each fiscal year pursuant to subsection (g), the Secretary shall allot to each State an amount which bears the same ratio to the amount appropriated in each such year as the amount allocated under section 111

of the Elementary and Secondary Education Act of 1965 (as incorporated by reference in chapter 1 of the Education Consolidation and Improvement Act of 1981) to the local educational agencies in the State in that year bears to the total amount allocated to such agencies in all States, except that no State shall receive less than $50,000 in any fiscal year.

20 USC 3801 note.

(c) AUTHORIZED ACTIVITIES.—Grants under this section shall be used—

(1) to carry out the policies set forth in section 721 in the State;

(2) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in accordance with subsection (d); and

Office of Coordinator of Education of Homeless Children and Youth, establishment.

(3) to prepare and carry out the State plan described in subsection (e).

(d) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

Schools and colleges.

(1) gather data on the number and location of homeless children and youth in the State, and such data gathering shall include the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, and the difficulties in identifying the special needs of such children;

(2) develop and carry out the State plan described in subsection (e); and

Reports.

(3) prepare and submit to the Secretary an interim report not later than December 31, 1987, and a final report not later than December 31, 1988, on the data gathered pursuant to paragraph (1).

To the extent that reliable current data is available in the State, each coordinator described in this subsection may use such data to fulfill the requirements of paragraph (1).

(e) STATE PLAN.—

(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to—

(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children and youth.

(2) Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (3) through (6).

(3) The local educational agency of each homeless child or youth shall either—

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or

(B) enroll the child or youth in the school district where the child or youth is actually living;

whichever is in the child's best interest or the youth's best interest.

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

(6) The school records of each homeless child or youth shall be maintained— Records.

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with section 438 of the General Education Provisions Act. 20 USC 1232g.

(f) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1987 and 1988 to carry out the provisions of this section.

(2) Sums appropriated in each fiscal year shall remain available for the succeeding fiscal year.

SEC. 722. EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION ACTIVITIES AUTHORIZED. 42 USC 11423.

(a) GENERAL AUTHORITY.—

(1) The Secretary shall, from funds appropriated pursuant to subsection (f), make grants for exemplary programs that successfully address the needs of homeless students in elementary and secondary schools of the applicant.

(2) The Secretary shall, in accordance with subsection (e), conduct dissemination activities of exemplary programs designed to meet the educational needs of homeless elementary and secondary school students.

(b) APPLICANTS.—The Secretary shall make grants to State and local educational agencies for the purpose described in paragraph (1) of subsection (a).

(c) ELIGIBILITY FOR GRANTS.—No applicant may receive an exemplary grant under this section unless the applicant is located in a State which has submitted a State plan in accordance with the provisions of section 722.

(d) APPLICATION.—Each applicant which desires to receive a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the exemplary program for which assistance is sought;

(2) assurances that the applicant will transmit information with respect to the conduct of the program for which assistance is sought; and

(3) such additional assurances that the Secretary determines are necessary.

(e) DISSEMINATION OF INFORMATION ACTIVITIES.—The Secretary shall, from funds appropriated pursuant to subsection (f), conduct, directly or indirectly by way of grant, contract, or other arrangement, dissemination activities designed to inform State and local educational agencies of exemplary programs which successfully address the special needs of homeless students.

(f) APPROPRIATIONS AUTHORIZED.—There is authorized to be appropriated $2,500,000 for fiscal year 1988 to carry out the provisions of this section.

Reports.
42 USC 11434.

SEC. 724. NATIONAL RESPONSIBILITIES.

(a) GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall prepare and submit to the Congress not later than June 30, 1988, a report on the number of homeless children and youth in all States.

(b) SECRETARIAL RESPONSIBILITIES.—

(1) The Secretary shall monitor and review compliance with the provisions of this subtitle in accordance with the provisions of the General Education Provisions Act.

(2) The Secretary shall prepare and submit a report to the Congress on the programs and activities authorized by this subtitle at the end of each fiscal year.

(3) The Secretary shall compile and submit a report to the Congress containing the information received from the States pursuant to section 722(d)(3) within 45 days of its receipt.

42 USC 11435.

SEC. 725. DEFINITIONS.

As used in this subtitle—

(1) the term "Secretary" means the Secretary of Education; and

(2) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subtitle C—Job Training for the Homeless

Employment and unemployment.
42 USC 11441.

SEC. 731. DEMONSTRATION PROGRAM AUTHORIZED.

Grants.

(a) GENERAL AUTHORITY.—The Secretary of Labor shall, from funds appropriated pursuant to section 739, make grants for the Federal share of job training demonstration projects for homeless individuals in accordance with the provisions of this subtitle.

(b) CONTRACT AUTHORITY.—The Secretary is authorized to enter into such contracts with State and local public agencies, private nonprofit organizations, private businesses, and other appropriate entities as may be necessary to carry out the provisions of this subtitle.

42 USC 11442.

SEC. 732. STATE COORDINATION WITH DEMONSTRATION GRANT RECIPIENTS.

A State shall describe in the comprehensive plan required under section 401 how the State will coordinate projects conducted within

WISCONSIN COMPULSORY SCHOOL ATTENDANCE

118.15 Compulsory school attendance. (1)

(a) Except as provided under pars. (b) to (d) and sub. (4), unless the child is excused under sub. (3) or has graduated from high school, any person having under control a child who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.

(b) Upon the child's request of the school board and with the written approval of the child's parent or guardian, any child who is 16 years of age or over may attend, in lieu of high school or on a part-time basis, a vocational, technical and adult education school. Where such a request is made and approved by the school board, the district board of the vocational, technical and adult education district in which the child resides must admit the child and must enter into the contract specified in sub. (2). Every district board must offer day class programs satisfactory to meet the requirements of this paragraph and sub. (2) as a condition to the receipt of any state aid.

(c) 1. Upon the child's request and with the written approval of the child's parent or guardian, any child who is 16 years of age may be excused by the school board from regular school attendance if the child and his or her parent or guardian agree, in writing, that the child will participate in a program or curriculum modification under par. (b) or (d) leading to the child's high school graduation.

2. Upon the child's request and with the written approval of the child's parent or guardian, any child who is 17 years of age or over may be excused by the school board from regular school attendance if the child and his or her parent or guardian agree, in writing, that the child will participate in a program or curriculum modification under par. (b) or (d) leading to the child's high school graduation or leading to a high school equivalency diploma under s. 115.29 (4).

3. Prior to a child's admission to a program leading to the child's high school graduation or a high school equivalency program, the child, his or her parent or guardian, the school board and a representative of the high school board and a representative of the high school equivalency program or program leading to the child's high school graduation shall enter into a written agreement. The written agreement shall state the services to be provided, the time period needed to complete the high school equivalency program or program leading to the child's high school graduation and how the performance of the pupil will be monitored. The agreement shall be monitored by the school board on a regular basis, but in no case shall the agreement be monitored less frequently than once per semester. If the school board determines that a child is not complying with the agreement, the school board shall notify the child, his or her parent or guardian and the high school equivalency program or program leading to the child's high school graduation that the agreement may be modified or suspended in 30 days.

(d) Any child's parent or guardian, or the child if the parent or guardian is notified, may request the school board to provide the chid with program or curriculum modifications including but not limited to:

1. Modifications within the child's current academic program.

2. A school work training or work study program.

3. Enrollment in any alternative public school or program located in the school district in which the child resides.

4. Enrollment in any nonsectarian private school or program, located in the school district in which the child resides, which complies with the requirements of 42 USC 2000d. Enrollment of a child under this subdivision shall be pursuant to a contractual agreement which provides for the payment of the child's tuition by the school district.

5. Home-bound study, including nonsectarian correspondence courses or other courses of study approved by the school board or nonsectarian tutoring provided by the school in which the child is enrolled.

6. Enrollment in any public educational program located outside the school district in which the child resides. Enrollment of a child under this subdivision may be pursuant to a contractual agreement between school districts.

(e) Any decision made by a school board or a designee of the school board in response to a request for program or curriculum modifications under par. (d) shall be reviewed by the school board upon request of the child's parent or guardian. The school board shall render its determination upon review in writing, if the child's parent or guardian so requests.

(2) (a) If the determination is made under sub. (1) (b) for a child to attend a vocational, technical and adult education school, the district board governing the vocational, technical and adult education school shall establish appropriate vocational and technical courses in accordance with par. (b) 1 and the school board of the district and the district board governing the vocational, technical and adult education school shall enter into a contract for such attendance.

(b) The contract shall set forth:

1. The courses at the vocational, technical and adult education school which are approved by the state superintendent as being courses for which credit will be given to meet high school graduation requirements.

2. The amount per student class hour of instruction, not including any debt retirement cost, which the school board shall pay to the district board of the vocational, technical and adult education school for pupils attending such school. If either board sends written notice to the state superintendent or the director of the board of vocational, technical and adult education that the boards are unable to reach an agreement on the amount to be paid, the state superintendent and the director shall determine the amount within 15 days of receipt of such notice.

(c) Pupils attending a vocational, technical and adult education school under this subsection may receive general education subjects at the vocational, technical and adult education school and shall be counted as pupils enrolled in the high school for all purposes including computing state aid for the school district and contractual payments therefor by the school district shall be deemed costs of operation and maintenance. No state aid may be paid to the vocational, technical and adult education district for pupils attending the vocational, technical and adult education school under this subsection.

(d) Transportation, or board and lodging under s. 121.57(1) (a), for pupils attending a vocational, technical and adult education school under this subsection shall be provided by the school district, and state aids shall be paid therefor, on the same basis as in transportation for pupils attending high school.

(3) This section does not apply to:

(a) Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend school or an educational program under s. 115.85 (2), but who can be expected to return to school or the program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, dentist, chiropracter, optometrist, or psychologist or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.

(b) Any child excused by the school board in accordance with the school board's written attendance policy under s. 118.16 (4) and with the written approval of the child's parent or guardian. The child's truancy, discipline or school achievement problems or exceptional educational needs as described in s. 115.76 (3) may not be used as the reason for an excuse under this paragraph. The excuse shall be in writing and shall state the time period for which it is effective, not to extend beyond the end of the current school year.

(4) Instruction in a home-based private educational program that meets all of the criteria under s. 118.165 (1) may be substituted for attendance at a public or private school.

(4m) No school board, school board member, multidisciplinary team under s. 115.80 or person employed by a school board or cooperative educational service agency may in any manner compel a pregnant girl to withdraw from her regular education program.

(5) (a) Except as provided under par. (b) or if a person has been found guilty of a misdemeanor under s. 947.16 whoever violates this section may be fined not more than $500 or imprisoned not more than 30 days or both after evidence has been provided by the school attendance officer that the activities under s. 118.16 (5) have been completed. In a prosecution under this paragraph, if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under ch. 48.

(b) Paragraph (a) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.50 (7) (h).

Section note: Chs. 221, 298, 300, 355, Laws of 1979; Ch. 30, Laws of 1981; 1983 Act 512; 1985 Act 29; 1987 Acts 36, 285, 399

X63A

WISCONSIN SCHOOL ATTENDANCE ENFORCEMENT
(TRUANCY PREVENTION PROCEDURES)

118.16 School attendance enforcement. (1) In this section:

(a) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under sub. (4) and s. 118.15 for either of the following:

1. Part or all of 5 or more days out of 10 consecutive days on which school is held during school semester.

2. Part or all of 10 or more days on which school is held during a school semester.

(b) "School attendance officer" means an employe designated by the school board to deal with matters relating to school attendance and truancy.

(c) "Truancy" means any absence of part or all of one or more days from school during which the school attendance officer, principal, or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of s. 118.15.

(2) The school attendance officer:

(a) Shall determine daily which pupils enrolled in the school district are absent from school and whether that absence is excused under s. 118.15.

(b) Annually, on or before August 1, shall determine how many pupils enrolled in the school district were absent in the previous year and whether the absences were excused under s. 118.15 and shall notify the state superintendent of the determination.

(c) Except as provided under pars. (cg) and (cr), shall notify the parent or guardian of a child who has been truant of the child's truancy and direct the parent or guardian to return the child to school no later than the next day on which school is in session or to provide an excuse under s. 118.15. The notice under this paragraph shall be given before the end of the 2nd school day after receiving a report of an unexcused absence. The notice may be made by personal contact, mail or telephone call of which a written record is kept, except that notice by personal contact or telephone call shall be attempted before notice by mail may be given.

(cg) Shall notify the parent or guardian of a child who is a habitual truant, by registered or certified mail, when the child initially becomes a habitual truant. The notice shall include all of the following:

1. A statement of the parent's or guardian's responsibility, under s. 118.15 (1) (a), to cause the child to attend school regularly.

2. A statement that the parent, guardian or child may request program or curriculum modifications for the child under s. 118.15 (1) (d) and that the child may be eligible for enrollment in a program for children at risk under s. 118.153(3).

3. A request that the parent or guardian meet with appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time and place for the meeting and the name, address and telephone number of a person to contact to arrange a different date, time or place.

4. A statement of the penalties, under s. 118.15 (5), that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required under s. 118.15 (1) (a).

(cr) After the notice required under par. (cg) has been given, shall notify the parent or guardian of a habitual truant of the habitual truant's unexcused absences as provided in the plan under s. 118.162 (4) (a). After the notice required under par. (cg) has been given, par. (c) does not apply.

(d) May visit any place of employment in the school district to ascertain whether any minors are employed there contrary to law. The officer shall require that school certificates and lists of minors who are employed there to be produced for inspection, and shall report all cases of illegal employment to the proper school authorities and to the

department of industry, labor and human relations.

(e) Shall have access to information regarding the attendance of any child between the ages of 6 and 18 who is a resident of the school district or who claims or is claimed to be in attendance at a private school located in the school district.

(3) All private schools shall keep a record containing the information required under ss. 115.30 (2) and 120.18. The record shall be open to the inspection of school attendance officers at all reasonable times. When called upon by any school attendance officer, the school shall furnish, on blanks supplied by the school attendance officer, such information in regard to any child between the ages of 6 and 18 who is a resident of the school district or who claims or is claimed to be in attendance at the school.

(4) (a) The school board shall establish a written attendance policy specifying the reasons for which pupils may be permitted to be absent from a public school under s. 118.15 and shall require the teachers employed in the school district to submit to the school attendance officer daily attendance reports on all pupils under their charge.

(b) No public school may deny a pupil credit in a course or subject solely because of the pupil's unexcused absences from school. The attendance policy under par. (a) shall specify the conditions under which a pupil may be permitted to take examinations missed during absences.

(c) The school board may establish policies which provide that as a consequence of a pupil's truancy the pupil may be assigned to detention or to a supervised, directed study program. The program need not be held during the regular school day. The policies under this paragraph shall specify the conditions under which credit may be given for work completed during the period of detention or assignment to a supervised, directed study program. A pupil shall be permitted to take any examinations missed during a period of assignment to a supervised, directed study program.

(d) The school board shall provide each pupil enrolled in the public schools in the district with a copy of the policies established under this subsection and shall file a copy of the policies in each school in the district. In addition, the school board shall make copies available upon request.

(5) Prior to any proceeding being brought against a child under s. 48.13 (6) or against the child's parent or guardian under s. 118.15, the school attendance officer shall provide evidence that appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred:

(a) Met with the child's parent or guardian to discuss the child's truancy or have attempted to meet with the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modifications under s. 118.15 (1) (d).

(c) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems.

(d) Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

(6) Following receipt of evidence that activities under sub. (5) have been completed, the school attendance officer may file information on any child who continues to be truant with the court assigned to exercise jurisdiction under ch. 48 in accordance with s. 48.24. Filing information on a child under this subsection does not preclude concurrent prosecution of the child's parent or guardian under s. 118.15 (5).

(7) Any school district administrator, principal, teacher or school attendance officer who violates this section shall forfeit not less than $5 nor more than $25.

Section note: Chs. 221, 298, Laws of 1979: 1985 Act 221; 1987 Acts 285, 285 s. 35

118.162 Truancy committee and plan. (1) On July 1, 1988, in each county, the superintendent of the school district which contains the county seat designated under s. 59.11, or his or her designee, shall convene a committee under this section. At its first meeting, the committee shall elect a chairperson, vice chairperson and secretary. Not later than February 1, 1989, the committee shall make recommendations to the school boards of all of the school district in the county on the items to be included in the districts' truancy plans under sub. (4). The committee shall consist of the following members:

(a) A representative from each school district in the county, designated by the school board of the school district that he or she represents, who may be a school board member, school administrator, teachers, pupil services professional or parent of a child enrolled in the school district. If the territory of a school district lies in more than one county, the school district shall have a representative on the committee for the county in which the largest portion of the school district's equalized valuation is located.

(b) A representative of the office of the district attorney, designated by the district attorney.

(c) A representative of the sheriff's department, designated by the sheriff.

(d) A representative of the local law enforcement agency, other than the sheriff's department, with jurisdiction over the county seat, designated by the chief administrative officer of the law enforcement agency.

(e) A representative of the circuit court for the county, designated by the chief judge of the judicial administrative district.

(f) A representative of the county department of social services under s. 46.22, designated by the county social services director, or, if the duties of the department under s. 46.22 have been transferred to a department under s. 46.23, a representative of the county department of human services under s. 46.23, designated by the county human services director.

(g) A representative of the juvenile court intake unit, designated by the county social services director, or, if the duties of the department under s. 46.22 have been transferred to a department under s. 46.23, designated by the county human services director, or designated by the chief judge of the judicial administrative district.

(h) If a county department of human services has not been established under s. 46.23, a representative of a county department established under s. 51.42 or 51.437, designated by the director of the department established under s. 51.42 or 51.437.

(i) Any other member as determined by the committee.

(2) In developing its recommendations:

(a) The committee shall consult with public and private social services agencies and educational and other agencies that serve residents of the school district and with the business community, as appropriate.

(b) The district attorney representative on the committee shall participate in developing the portions of the plan under sub. (4) (e).

(3) The committee shall write a report to accompany the recommendations under sub. (1). The report shall include all of the following:

(a) A description of the factors that contribute to truancy in the county.

(b) Identification and description of any state statutes, municipal ordinances or school or social services policies that contribute to or inhibit the response to truancy in the county.

(c) Recommendations for legislation and school or social services policies that the committee believes should be enacted or developed to assist in dealing with truancy.

(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:

(a) Procedures to be followed for notifying the parents or guardians of the unexcused absences of habitual truants under s. 118.16 (2) (cr) and for meeting and conferring with such parents or guardians.

(b) Plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned.

(c) Methods to increase and maintain public awareness of and involvement in responding to truancy within the school district.

(d) The immediate response to be made by school personnel when a truant child is returned to school.

(e) The types of truancy cases to be referred to the district attorney for the filing of information under s. 48.24 or prosecution under s. 118.15 (5) and the time periods within which the district attorney will respond to and take action on the referrals.

(f) Plans and procedures to coordinate the responses to the problems of habitual truants, as defined under s. 118.16 (1) (a), with public and private social services agencies.

(g) Methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem.

(5) In adopting a truancy plan under sub. (4), each school board shall:

(a) Develop a written description of the factors that contribute to truancy in the school district.

(b) Identify and prepare a written description of any state statutes, municipal ordinances or school or social services policies that contribute to or inhibit the response to truancy in the school district.

(c) Make recommendations to the appropriate state and local agencies and governing bodies for legislation and school or social services policies that the school board believes should be enacted or developed to assist in dealing with truancy.

Section note: 1987 Acts 285, 285 s. 35

118.163 Municipal truancy ordinances. (1) In this section, "habitual truant" means a pupil who is absent from school without an acceptable excuse under s. 118.15 for either of the following:

(a) Part or all of 5 or more days out of 10 consecutive days on which school is held during a school semester.

(b) Part or all of 10 or more days on which school is held during a school semester.

(2) A county, city, village or town may enact an ordinance prohibiting a child from being a habitual truant. The ordinance shall provide which of the following dispositions are available to the court:

(a) Suspension of the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 90 days. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

(b) An order for the child to participate in counseling, community service or a supervised work program as provided under s. 48.34 (9).

(c) An order for the child to remain at home except during hours in which the child is attending travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

(d) An order for the child to attend an educational program under s. 48.34 (12).

Section note: 1987 Acts 285, 285 s. 35

STATE OF WISCONSIN

Date of enactment: April 15, 1988

Date of publication*: April 25, 1988

Compulsory School Attendance and Truancy Prevention

(1987 Wisconsin Act 285)

AN ACT to renumber 118.16 (1) (a) and (b); to renumber and amend 48.125, 48.32 (2), 48.345 and 118.15 (5); to amend 48.13 (6), 48.17 (2) (a) (intro.), 48.17 (2) (d), 48.343 (intro.), 118.125 (2) (intro.), 118.16 (2) (c), 119.04 (1) and 343.30 (5); and to create 48.02 (9m), 48.125 (2), 48.17 (2) (g), 48.245 (2), 48.245 (2m), 48.32 (2) (b), 48.34 (12), 48.342, 48.345 (2), 59.07 (105), 59.07 (106), 118.125 (2) (k), 118.15 (5) (b), 118.16 (1) (a), 118.16 (2) (cg) and (cr), 118.162, 118.163, 120.12 (18), 121.78 (4) and 947.16 of the statutes, relating to truancy, educational programs for children adjudged delinquent or in need of protection or services and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.02 (9m) of the statutes is created to read:

48.02 (9m) "Habitually truant" means a child who is a habitual truant as defined under s. 118.16 (1) (a).

SECTION 2. 48.125 of the statutes is renumbered 48.125 (intro.) and amended to read:

48.125 Jurisdiction over children alleged to have violated civil laws or ordinances. (intro.) The court has exclusive jurisdiction over any child alleged to have violated a law punishable by forfeiture or a county, town or other municipal ordinance, except as:

(1) As provided under s. 48.17; and

SECTION 3. 48.125 (2) of the statutes is created to read:

48.125 (2) That the court has exclusive jurisdiction over any child alleged to have violated an ordinance enacted under s. 118.163 only after evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed.

SECTION 4. 48.13 (6) of the statues is amended to read:

48.13 (6) Who is habitually truant from school, after evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed, except as provided under s. 48.17 (2);

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* Section 991.11 WISCONSIN STATUTES 1985-86: **Effective date of acts.** "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state (the date of publication may not be more than 10 working days after the date of enactment).

SECTION 5. 48.17 (2) (a) (intro.) of the statues is amended to read:

48.17 (2) (a) (intro.) Except as provided in sub. (1), municipal courts have concurrent jurisdiction with the court assigned to exercise jurisdiction under this chapter in proceedings against children aged 14 or older for violations of county, town or other municipal ordinances. If evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed, municipal courts may exercise jurisdiction in proceedings against a child for a violation of an ordinance enacted under s. 118.163 regardless of the child's age and regardless of whether the court assigned to exercise jurisdiction under this chapter has jurisdiction under s. 48.13 (6). When a child is alleged to have violated a municipal ordinance, the child may be:

SECTION 6. 48.17 (2) (d) of the statues is amended to read:

48.17 (2) (d) If a municipal court finds that the child violated a municipal ordinance other than an ordinance enacted under s. 118.163 or an ordinance which conforms to s. 125.07 (4) (a) or (b), 125.08 (3) (b) or 125.09 (2), it shall enter any of the dispositional orders permitted under s. 48.343 (1), (2), (5), (6), (7) or (8). If a child fails to pay the forfeiture imposed by the municipal court, the court shall not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 nor more than 90 days, or suspend the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 nor more than 90 days. If a court suspends a license under this section, it shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department, which shall thereupon return the license to the person. If it is paid after the end of the 30 days, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the child.

SECTION 7. 48.17 (2) (g) of the statutes is created to read:

48.17 (2) (g) If a municipal court finds that a child violated a municipal ordinance enacted under s. 118.163, it shall enter a dispositional order under s. 48.342 that is consistent with the municipal ordinance.

SECTION 8. 48.245 (2) of the statutes is amended to read:

48.245 (2) Informal disposition may provide that the child appear with a parent, guardian or legal custodian for counseling and advice, or that the child and a parent, guardian and legal custodian abide by such obligations as will tend to ensure the child's rehabilitation, protection or care. Informal disposition may not include any form of residential placement and may not exceed 6 months, except as provided under sub. (2m).

SECTION 9. 48.245 (2m) of the statutes is created to read:

48.245 (2m) If the informal disposition is based on allegations that the child is habitually truant and that the child is in need of protection or servicies, the informal disposition may not exceed one year.

SECTION 10. 48.32 (2) of the statutes is renumbered 48.32 (2) (a) and amended to read:

48.32 (2) (a) A Except as provided in par. (b), a consent decree shall remain in effect up to 6 months unless the child, parent, guardian or legal custodian is discharged sooner by the judge or juvenile court commissioner.

(c) Upon the motion of the court or the application of the child, parent, guardian, legal custodian, intake worker or any agency supervising the child under the consent decree, the court may, after giving notice to the parties to the consent decree and their counsel, if any, extend the decree for up to an additional 6 months in the absence of objection to extension by the parties to the initial consent decree. If the parent, guardian or legal custodian objects to the extension, the judge shall schedule a hearing and make a determination on the issue of extension.

SECTION 11. 48.32 (2) (b) of the statutes is created to read:

48.32 (2) (b) If the proceeding is for a petition which alleges that the child is in need of protection and services, and if the proceeding is based on an allegation of habitual truancy, a consent decree shall remain in effect for up to one year unless the child, parent, guardian or legal custodian is discharged sooner by the judge or juvenile court commissioner.

SECTION 12. 48.34 (12) of the statues is created to read:

48.34 (12) EDUCATION PROGRAM. (a) Except as provided in par. (d), the judge may order the child to attend any of the following:

1. A nonresidential educational program including a program for children at risk under s. 118.153, provided by the school district in which the child resides.

2. Pursuant to a contractual agreement with the school district in which the child resides, a nonresidential educational program provided by a licensed child welfare agency.

3. Pursuant to a contractual agreement with the school district in which the child resides, an educational program provided by a private, nonprofit, nonsectarian agency that is located in the school district in which the child resides and that complies with 42 USC 2000d.

4. Pursuant to a contractual agreement with the school district in which the child resides, an educational program provided by a vocational technical and adult education district located in the school district in which the child resides.

(b) The judge shall order the school board to disclose the child's pupil records, as defined under s. 118.125 (1) (d), to the county department or licensed child welfare agency responsible for supervising the child, as necessary to determine the child's compliance with the order under par. (a).

(c) The judge shall order the county department or licensed child welfare agency responsible for supervising the child to disclose to the school board, vocational, technical and adult education district board or private, nonprofit, nonsectarian agency which is providing an educational program under par. (a) 3 records or information about the child, as necessary to assure the provision of appropriate educational services under par. (a).

(d) This subsection does not apply to a child with exceptional educational needs, as defined under s. 115.76 (3).

SECTION 13. 48.342 of the statues is created to read:

48.342 Disposition; truancy ordinance violations. If the judge finds that the child violated a municipal ordinance enacted under s. 118.163, the judge shall enter an order making one or more of the following dispositions if such a disposition is authorized by the municipal ordinance:

(1) Suspend the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 90 days. The judge shall immediately take possession of the suspended license and forward it to the department of transportation together with a notice stating the reason for and duration of the suspension.

(2) Order the child to participate in counseling, community service or a supervised work program under s. 48.34 (9).

(3) Order the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

(4) Order the child to attend an educational program under s. 48.34 (12).

SECTION 14. 48.343 (intro.) of the statutes is amended to read:

48.343 Disposition of child adjudged to have violated a civil law or an ordinance. (intro.) Except as provided by ~~s.~~ ss. 48.342 and 48.344, if the court finds that the child violated a civil law or an ordinance, it shall enter an order making one or more of the following dispositions:

SECTION 15. 48.345 of the statutes is renumbered 48.345 (1), and 48.345 (1) (intro.), (a) to (d) and (f), as renumbered, are amended to read:

48.345 (1) (intro.) If the judge finds that the child is in need of protection or services, ~~it~~ the judge shall enter an order deciding one or more of the dispositions of the case as provided in s. 48.34 under a care and treatment plan except that the ~~plan shall not~~ order may not do any of the following:

(a) Transfer the custody of the child to the subunit of the department administering corrections~~;~~.

(b) Order restitution~~;~~.

(c) Order payment of a forfeiture~~;~~.

(d) Restrict, suspend or revoke the driving privileges of the child~~; or~~, except as provided under sub. (2).

SECTION 16. 48.345 (2) of the statues is created to read:

48.345 (2) If the judge finds that a child is in need of protection or services based on habitual truancy, and the judge also finds that the habitual truancy is a result of the child's intentional refusal to attend school rather than the failure of any other person to comply with s. 118.15 (1) (a), the judge, instead of or in addition to any other disposition imposed under sub. (1), may enter any of the orders permitted under s. 48.342.

SECTION 17. 59.07 (105) of the statutes is created to read:

59.07 (105) SCHOOL ATTENDANCE. Enact and enforce an ordinance to impose a penalty, which is the same as that provided under s. 118.15 (5), upon a person having under his or her control a child who is between the ages of 6 and 18 years and whose child is not in compliance with s. 118.15.

SECTION 18. 59.07 (106) of the statutes is created to read:

59.07 (106) CONTRIBUTION TO TRUANCY. Enact and enforce an ordinance to prohibit conduct which is the same as of similar to that prohibited by s. 947.16 and provide a forfeiture for a violation of the ordinance.

SECTION 19. 118.124 (2) (intro.) of the statutes is amended to read:

118.125 (2) CONFIDENTIALITY. (intro.) All pupil records maintained by a public school shall be confidential, except as provided in pars. (a) to ~~(j)~~ (k). The school board shall adopt regulations to maintain the confidentiality of such records.

SECTION 20. 118.125 (2) (k) of the statutes is created to read:

118.125 (2) (k) A school board shall disclose the pupil records of a pupil in compliance with a court order under s. 48.34 (12) (b) after making a reasonable effort to notify the pupil's parent or legal guardian.

SECTION 21. 118.15 (5) of the statues is renumbered 118.15 (5) (a) and amended to read:

118.15 (5) (a) ~~Whoever~~ Except as provided under par. (b) or if a person has been found guilty of a misdemeanor under s. 947.16, whoever violates this section may be fined not ~~less than $5 nor~~ more than ~~$50~~ $500 or imprisioned not more than ~~3 months~~ 30 days or both, after evidence has been provided by the school attendance officer that the activities under s. 118.16 (5) have been completed. In a prosecution under this ~~subsection~~ paragraph, if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under ch. 48.

SECTION 22. 118.15 (5) (b) of the statutes is created to read:

118.15 (5) (b) Paragraph (a) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.50 (7) (h).

SECTION 23. 118.16 (1) (a) and (b) of the statues are renumbered 118.16 (1) (b) and (c).

SECTION 24. 118.16 (1) (a) of the statutes is created to read:

118.16 (1) (a) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under sub. (4) and s. 118.15 for either of the following:

1. Part or all of 5 or more days out of 10 consecutive days on which school is held during a school semester.

2. Part or all of 10 or more days on which school is held during a school semester.

SECTION 25. 118.16 (2) (c) of the statutes is amended to read:

118.16 (2) (c) ~~Shall~~ Except as provided under pars. (cg) and (cr), shall notify the parent or guardian of a child who has been truant of the child's truancy and direct the parent of guardian to return the child to school no later than the next day on which school is in session or to provide an excuse under s. 118.15. The notice under this paragraph ~~must~~ shall be given before the end of the 2nd school day after receiving a report of an unexcused absence ~~and~~. The notice may be made by personal ~~service~~ contact, mail or telephone call of which a written record is kept, except that notice by personal contact or telephone call shall be attempted before notice by mail may be given.

SECTION 26. 118.16 (2) (cg) and (cr) of the statutes are created to read:

118.16 (2) (cg) Shall notify the parent or guardian of a child who is a habitual truant, by registered or certified mail, when the child initially becomes a habitual truant. The notice shall include all of the following:

1. A statement of the parent's or guardian's responsibility, under s. 118.15 (1) (a), to cause the child to attend school regularly.

2. A statement that the parent, guardian or child may request program or curriculum modifications for the child under s. 118.15 (1) (d) and that the child may be eligible for enrollment in a program for children at risk under s. 118.153 (3).

3. A request that the parent or guardian meet with appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time and place for the meeting and the name, address and telephone number of a person to contact to arrange a different date, time or place.

4. A statement of the penalties, under s. 118.15 (5), that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required under s. 118.15 (1) (a).

(cr) After the notice required under par. (cg) has been given, shall notify the parent or guardian of a habitual truant of the habitual truant's unexcused absences as provided in the plan under s. 118.162 (4) (a). After the notice required under par. (cg) has been given, par. (c) does not apply.

SECTION 27. 118.162 of the statutes is created to read:

118.162 Truancy committee and plan. (1) On the effective date of this subsection . . . (revisor inserts date), in each county, the superintendent of the school district which contains the county seat designated under s. 59.11, or his or her designee, shall convene a committee under this section. At its first meeting, the committee shall elect a chairperson, vice chairperson and secretary. Not later than February 1, 1989, the committee shall make recommendations to the school boards of all of the school districts in the county on the items to be included in the districts' truancy plans under sub. (4). The committee shall consist of the following members:

(a) A representative from each school district in the county, designated by the school board of the school district that he or she represents, who may be a school board member, school administrator, teacher, pupil services professional or parent of a child enrolled in the school district. If the territory of a school district lies in more than one county, the school district shall have a representative on the committee for the county in which the largest portion of the school district's equalized valuation is located.

(b) A representative of the office of the district attorney, designated by the district attorney.

(c) A representative of the sheriff's department, designated by the sheriff.

(d) A representative of the local law enforcement agency, other than the sheriff's department with jurisdiction over the county seat, designated by the chief administrative officer of the law enforcement agency.

(e) A representative of the circuit court for the county, designated by the chief judge of the judicial administrative district.

(f) A representative of the county department of social services under s. 46.22, designated by the county social services director, or, if the duties of the department under s. 46.22 have been transferred to a department under s. 46.23, a representative of the county department of human services under s. 46.23, designated by the county human services director.

(g) A representative of the juvenile court intake unit, designated by the county social services director, or, if the duties of the department under s. 46.22 have been transferred to a department under s. 46.23, designated by the county human services director, or designated by the chief judge of the judicial administrative district.

(h) If a county department of human services has not been established under s. 46.23, a representative of a county department established under s. 51.42 or 51.437, designated by the director of the department established under s. 51.42 or 51.437.

(i) Any other member as determined by the committee.

(2) In developing its recommendations:

(a) The committee shall consult with public and private social services agencies and educational and other agencies that serve residents of the school district and with the business community, as appropriate.

(b) The district attorney representative on the committee shall participate in developing the portions of the plan under sub. (4) (e).

(3) The committee shall write a report to accompany the recommendations under sub. (1). The report shall include all of the following:

(a) A description of the factors that contribute to truancy in the county.

(b) Identification and description of any state statutes, municipal ordinances or school or social services policies that contribute to or inhibit the response to truancy in the county.

(c) Recommendations for legislation and school or social services policies that the committee believes should be enacted or developed to assist in dealing with truancy.

(4) Not later than September 1, 1989, each school board shall adopt a truancy plan which shall include all of the following:

(a) Procedures to be followed for notifying the parents or guardians of the unexcused absences of habitual truants under s. 118.16 (2) (cr) and the meeting and conferring with such parents or guardians.

(b) Plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned.

(c) Methods to increase and maintain public awareness of and involvement in responding to truancy within the school district.

(d) The immediate response to be made by school personnel when a truant child is returned to school.

(e) The types of truancy cases to be referred to the district attorney for the filing of information under s. 48.24 or prosecution under s. 118.15 (5) and the time periods within which the district attorney will respond to and take action on the referrals.

(f) Plans and procedures to coordinate the responses to the problems of habitual truants, as defined under s. 118.16 (1) (a), with public and private social services agencies.

(g) Methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem.

(5) In adopting a truancy plan under sub. (4), each school board shall:

(a) Develop a written description of the factors that contribute to truancy in the school district.

(b) Identify and prepare a written description of any state statutes, municipal ordinances or school or social services policies that contribute to or inhibit the response to truancy in the school district.

(c) Make recommendations to the appropriate state and local agencies and governing bodies for legislation and school or social services policies that the school board believes should be enacted or developed to assist in dealing with truancy.

SECTION 28. 118.163 of the statutes is created to read:

118.163 Municipal truancy ordinances. (1) In this section, "habitual truant" means a pupil who is absent from school without an acceptable excuse under s. 118.15 for either of the following:

(a) Part or all of 5 or more days out of 10 consecutive days on which school is held during a school semester.

(b) Part or all of 10 or more days on which school is held during a school semester.

(2) A county, city, village or town may enact an ordinance prohibiting a child from being a habitual truant. The ordinance shall provide which of the following dispositions are available to the court:

(a) Suspension of the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 90 days. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

(b) An order for the child to participate in counseling, community service or a supervised work program as provided under s. 48.34 (9).

(c) An order for the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

(d) An order for the child to attend an educational program under s. 48.34 (12).

SECTION 29. 119.04 (1) of the statutes, as affected by Wisconsin Acts 27 and . . . (Senate Bill 332), is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28 (15), 115.34, 115.343, 115.345, 118.01 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16 118.162, 118.163, 118.18, 118.19 (3) (b) and (7), 118.20, 118.24 (2) (c) to (f), 118.255, 118.30 to 118.35, 120.12 (15) ~~and~~, (17) and (18), 120.125 and 120.13 (1), (2), (b) to (f), (14), (17) to (19) and (26) are applicable to a 1st class city school district and board.

SECTION 30. 120.12 (18) of the statutes is created to read:

120.12 (18) CONTINUITY OF EDUCATIONAL PROGRAMMING. Coordinate and provide for continuity of educational programming for pupils receiving educational services as the result of a court order under s. 48.34 (12), including but not limited to providing a written report to the court assigned to exercise jurisdiction under ch. 48 and the agency which is required to submit an educational plan for a child under s. 48.33 (1) (e). The written report shall describe the child's educational status and make recommendations regarding educational programming for the child. The written report shall be provided to the court assigned to exercise jurisdiction under ch. 48 and the agency at least 3 days before the date of the child's dispositional hearing.

SECTION 31. 121.78 (4) of the statutes is created to read:

121.78 (4) COURT-ORDERED EDUCATIONAL SERVICES. If a pupil is receiving educational services as the result of a court order under s. 48.34 (12), the school board of the school district in which the pupil resided at the time of issuance of the court order shall pay tuition for the pupil. A school board paying tuition for a pupil under this subsection shall count the pupil as 1.0 pupil in membership for general aid under subch. II. The school board shall pay each agency specified under s. 48.34 (12) (a) 2 to 4, for each full-time equivalent pupil served by the agency, an amount equal to at least 80% of the average per pupil cost for the school district. No state aid may be paid to the vocational, technical and adult education district for pupils attending the vocational, technical and adult education school under s. 48.34 (12) (a) 4.

SECTION 32. 343.30 (5) of the statutes is amended to read:

343.30 (5) No court may suspend or revoke an operating privilege except as authorized by this chapter or ch. 48, 345, 351. When a court revokes, suspends or restricts a child's operating privilege under s. 48.17 (2), 48.34 (7) or (8) ~~or~~, 48.342 (1), 48.343 (2), or 48.345 (2) the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the minor whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

SECTION 33. 947.16 of the statutes is created to read:

947.16 Contributing to truancy. (1) Except as provided in sub. (2), any person 18 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy, as defined under s. 118.16 (1) (c), of child is guilty of a Class C misdemeanor.

(2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.50 (7) (h).

(3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

SECTION 34. **Initial applicability.** (1) PUBLIC INSTRUCTION. (a) Truancy. This act first applies to a child's truancy from school which occurs on or after July 1, 1988.

SECTION 35. **Effective date.** This act takes effect on the first day of the 3rd month beginning after publication.

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SCHOOL DISTRICT STANDARDS AND RULES

WISCONSIN STATUTE 121.02(1)

*(A) Ensure that every teacher, supervisor, administrator and professional staff member holds a certificate, license or permit to teach issued by the department before entering on duties for such position.

**(a) Each school district board shall certify annually that every teacher, supervisor, administrator, and other professional staff member has been issued a valid certificate, license, or permit by the Department for the position for which he/she is employed before entering on duties for such position and that a copy of the valid certificate, license, or permit is on file in the district.

*(B) Annually, establish with school board employes a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school.

**(b) Each school district board shall annually establish a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school. The plan shall be developed with the cooperative efforts of licensed support staff, instructional staff, and administrative staff.

*(C) Provide remedial reading services for underachieving students in grades kindergarten through grade 3.

**(c) Each school district shall identify and diagnose the underachieving pupils in reading in grades Kindergarten through 3. Such identification and diagnosis shall be directed or performed by licensed personnel who have earned at least six semester credits in courses dealing with the measurement of reading skills and achievement and/or the diagnosis of reading difficulties. Children with such identified and diagnosed reading deficiencies shall receive instruction and services directed toward removal of the deficiencies. Such instruction and services shall be coordinated with all other reading instruction.

*(D) Operate a five-year-old kindergarten program, except in union high school districts.

**(d) Each school district shall operate a kindergarten program in which all five-year-old children of the district may be enrolled. The teachers shall be licensed by the Department to teach kindergarten. Physical facilities, equipment and materials shall be provided for a program which includes opportunities for learning basic concepts and skills in language arts, fine arts, social studies, science, mathematics, and physical education.

*(E) Provide guidance and counseling services.

**(e) Guidance and counseling services shall be provided for all pupils. The district shall have on file written evidence that its guidance and counseling program is systematically planned and directed by licensed guidance and counseling personnel. Guidance and counseling activities in grades 7 through 12 shall be performed by licensed guidance and counseling personnel. Supervision and

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direction of guidance and counseling activities in grades kindergarten through 6 shall be provided by licensed guidance and counseling personnel. The program of guidance and counseling shall include providing vocational, educational, and personal/social information; pupil appraisal; placement; referral; research; and follow-up activities.

*(F) Schedule at least 180 school days annually, less any days during which the state superintendent determines that school is not held or educational standards are not maintained as the result of strike by school district employes.

Annually, schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 through 12. Scheduled hours under this subdivision includes recess and time for pupils to transfer between classes but do not include the lunch period.

**(f) Each school district board shall schedule at least 180 school days annually. A maximum of 5 days may be counted to meet this requirement if they are used for parent conferences or if school is closed by the school district administrator because of inclement weather. School days are further defined in s. 115.01(10), Stats. The 180 days requirement may be reduced for any days during which the state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employes.

Each school district board shall annually schedule and hold at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 through 6, and at least 1,137 hours of direct pupil instruction in grades 7 through 12. The school hours are computed as the period from the start to the close of each pupil's daily instructional schedule. Scheduled hours under this subdivision include recess and time for pupils to transfer between classes but do not include the lunch period. No more than 30 minutes per day may be counted for recess. In computing the minimum number of instructional hours under this subdivision, days and parts of days on which parent and teacher conferences are held, staff development or inservice programs are held, schools are closed for inclement weather, or when classes are not held may not be counted.

*(G) Provide for emergency nursing services.

**(g) Emergency nursing services shall be provided under the direction of a nurse(s) registered in Wisconsin. Arrangements shall be made with a physician to serve as a medical advisor for the emergency nursing service. Written policies for emergency nursing services shall be established. These policies shall include procedures for dealing with accidental injury, illness and medication at all school sponsored activities. An annual review shall be made of the emergency nursing services. Emergency nursing services shall be available during the regular school day including curricular and co-curricular activities of pupils. Equipment and supplies for the emergency nursing service shall be readily accessible.

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*(H) Provide adequate instructional materials, texts and library services which reflect the cultural diversity and pluralistic nature of American society.

**(h) Each school district board shall:

1. Have on file a written, long-range plan for library services development which has been formulated by teachers, library and audiovisual personnel and administrators, and approved by the school district board.

2. Designate a licensed library media person to direct and coordinate the district's library media program.

3. Make available to all pupils a current, balanced collection of books, basic reference materials, texts, periodicals, and audiovisual materials which depicts in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

4. Provide library media services to all pupils as follows: to pupils in grades kindergarten through 6, library media services which are performed by or under the direction of licensed library and audiovisual personnel; and to pupils in grades 7 through 12, library media services which are performed by licensed library and audiovisual personnel.

*(I) Provide safe and healthful facilities.

**(i) A long-range plan shall be developed, adopted, and recorded by the school board which defines the patterns and schedule for bringing the district operated facilities to the level of the standards established for safe and healthful facilities. The school board shall comply with all regulations, state codes, and orders of the Department of Industry, Labor and Human Relations and the Department of Health and Social Services and all applicable local safety and health codes and regulations. The facilities shall be inspected at least annually for potential or demonstrated hazards to safety and health, hazardous conditions shall be corrected, compensating devices installed or special arrangements made to provide for safe and healthful facilities. Maintenance procedures and custodial services shall be conducted in such a manner that the safety and health of persons using the facilities are protected. Responsibility for coordinating all activities related to the safety and health considerations of the facilities for the entire district shall be assigned to one individual.

*(J) Ensure that instruction in elementary and high schools in health, physical education, art and music, is provided by qualified teachers.

**(j) The school district board shall provide instruction in health, physical education, art and music as follows:

Health instruction shall be provided in accordance with a written comprehensive health education curriculum which includes the curricular areas defined in ss. 115.35 and 118.01(2) of the Wisconsin Statutes. A professional staff member shall be designated as coordinator of health education. Health education in grades Kindergarten through 6 shall be under the supervision of a

licensed health teacher. In grades 7 through 12 health education shall be conducted by or under the supervision of a licensed health teacher and shall include one structured course in health taught by a licensed health teacher.

Physical education instruction shall be provided in accordance with a developmental, sequential, comprehensive physical education curriculum and program of instruction for all pupils. Instruction in grades Kindergarten through 6 shall be provided at least three times weekly, except that days on which special activities are conducted may be exempt; and shall be conducted by or under the direction of a licensed physical education teacher. Pupils in grade 6 may be scheduled in accordance with the criteria for scheduling grades 7 through 12, if the pupils are attending a school that includes any of those grades. All pupils in grades 7 through 12 shall participate in the instructional program of physical education taught by a licensed physical education teacher except that in senior high schools one year or the equivalent may be optional to pupils.

Art instruction shall be provided in accordance with a written comprehensive art curriculum which is based on concepts developed through sensory awareness, aesthetic discrimination and skill development in the creation of art, and the knowledge of human art heritage. Art instruction shall be provided for all pupils in grades Kindergarten through 6 and shall be performed by or under the supervision of a licensed art teacher. Art instruction shall be available to all pupils in grades 7 through 12 and shall be taught by a licensed art teacher.

Music instruction shall be provided in accordance with a written comprehensive music curriculum including developmental experiences involving singing, playing instruments, listening, movement, creative expression, and music reading. Music instruction shall be provided for all pupils in grades Kindergarten through 6 and shall be performed by or under the supervision of a licensed music teacher. Music instruction including general music, vocal music, and instrumental music shall be available to all pupils in grades 7 through 12 and shall be taught by a licensed music teacher.

*(K) By September 1, 1988, develop a written, sequential curriculum plan in at least three of the following subject areas: reading, language arts, mathematics, social studies, science, health, computer literacy, environmental education, vocational education, physical education, art and music. The plan shall specify objectives, course content and resources and shall include a program evaluation method.

By September 1, 1989, develop a written, sequential curriculum plan in at least three additional subject areas specified in subd. 1.

By September 1, 1990, develop a written, sequential curriculum plan in all of the remaining subject areas specified in subd. 1.

**(k) Curriculum Plan

1. In this paragraph:

a. "Computer literacy" means the ability to use computer programs to assist learning, handling information and problem solving, and the

ability to make informed judgments concerning social and ethical issues involving computers and information systems.

b. "School district curriculum plans" means the composite of the sequential curriculum plans.

c. "Sequential curriculum plan" means an organized set of learning experiences that build upon previously acquired knowledge and skills.

2. Each school district board shall develop, adopt and implement a written school district curriculum plan which includes the following:

a. A Kindergarten through grade 12 sequential curriculum plan in each of the following subject areas: reading, language arts, mathematics, social studies, science, health, computer literacy, environmental education, physical education, art and music.

b. A grade 7 through 12 sequential curriculum plan in vocational education.

3. Each sequential curriculum plan shall specify objectives, course sequence, course content, resources and an allocation of instructional time by week, semester and school term. The school district board shall establish in the school district curriculum plan the allocation of instructional time, by week, semester and school term, among all subject areas.

4. Each sequential curriculum plan shall include a program evaluation method which provides a systematic, continuous and objective process of determining whether pupils attain the specified objectives. Components of the sequential curriculum plan shall be monitored continuously and the overall program evaluation method shall be reviewed at least once every five years and revised as appropriate to ensure that pupils meet the curriculum objectives.

5. The school district curriculum plan shall be consistent with the approved education for employment program under ch. PI 26.

6. The school district board shall develop sequential curriculum plans in at least three of the subject areas specified in subd. 2 by September 1, 1988; in at least three more of the subject areas specified in subd. 2 by September 1, 1989; and in all of the remaining subject areas specified in subd. 2 by September 1, 1990. The computer literacy and environmental education curriculum plans shall be developed as follows:

a. Computer literacy objectives and activities shall be integrated into the Kindergarten through grade 12 sequential curriculum plans.

b. Environmental education objectives and activities shall be integrated into the kindergarten through grade 12 sequential curriculum plans, with the greatest emphasis in art, health, science and social studies education.

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*(L) In the elementary grades, provide regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art and music.

In grades 5 to 8, provide regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art and music. The school board shall also provide pupils with an introduction to career exploration and planning.

In grades 9 to 12, provide access to an educational program that enables pupils each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education, art and music. In this subdivision, "access" means an opportunity to study through school district course offerings, independent study, cooperative educational service agencies or cooperative arrangements between school boards and post-secondary institutions.

**(1) Each school district board shall provide instruction as follows:

In grades Kindergarten through 4, regular instruction shall be provided in reading, language arts, social studies, mathematics, science, health, physical education, art and music. In this subdivision, "regular instruction" means instruction each week for the entire school term in sufficient frequency and length to achieve the objectives and allocation of instructional time identified in the curriculum plans developed and adopted under par. (k).

In grades 5 through 8, regular instruction shall be provided in reading, language arts, social studies, mathematics, science, physical education, health, art and music. In this subdivision, "regular instruction" means instruction each week for the entire school term in sufficient frequency and length to achieve the objectives and allocation of instructional time identified in the curriculum plans developed and adopted under par. (k), except that in middle level formats which offer or require a variety of exploratory experiences for pupils, such as foreign language, business education, vocational agriculture, technology education, home economics education and marketing education, regular instruction in health, art and general music may be provided as follows:

a. In grades 5 and 6, each week for the entire school term or the equivalent in sufficient frequency and length to achieve the objectives and allocation of instructional time identified in the curriculum plans developed and adopted under par. (k).

b. In grades 7 and 8, in sufficient frequency and length to achieve the objectives and allocation of instructional time identified in the curriculum plans developed and adopted under par. (k).

An introduction to career exploration and planning, through a one-semester course or the equivalent in instructional time and course content, shall be integrated within grades 5 through 8.

In grades 9 through 12, access shall be provided, without charge for tuition, to an education program which enables pupils each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education,

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art and music. The school district board shall make all courses as widely available to all pupils as possible, however an individual pupil's scheduling conflict does not constitute denial of access to a course.

*(M) Provide access to an education for employment program that has been approved by the state superintendent.

**(m) Each school district board shall comply with s. 121.01(l)(m), Stats., and ch. PI 26, relating to education for employment.

CHAPTER PI 26

EDUCATION FOR EMPLOYMENT PLANS AND PROGRAM REQUIREMENTS

PI 26.01 APPLICABILITY AND PURPOSE. Under s. 121.02(1)(m), Stats., beginning in the 1991 school year, every board shall provide access to an education for employment program approved by the state superintendent. The purpose of education for employment programs is to prepare elementary and secondary pupils for employment, to promote cooperation between business and industry and public schools, and to establish a role for public schools in the economic development of Wisconsin. This chapter defines education for employment programs, describes the process for approval of education for employment plans, and establishes approval criteria for education for employment programs.

PI 26.02 DEFINITIONS. In this chapter:

(1) "Basic skills" means reading, language arts, mathematics, science and social studies concepts and skills.

(2) "Board" means the school board in charge of the public schools of the district.

(3) "Business and education partnerships" means formal cooperative relationships between public schools and school districts and businesses which benefit and involve pupils, professional staff, the school district, businesses, and the community.

(4) "Career exploration and planning" means the process by which elementary and secondary pupils identify and evaluate life and work choices, explore and plan career goals, and acquire realistic life and work decision-making skills.

(5) "CESA" means a cooperative educational service agency under ch. 116, Stats.

(6) "Community field experience" means learning about work and other life roles by studying, observing and performing them, and it involves expanding educational environments to places where these roles occur.

(7) "Department" means the Wisconsin department of public instruction.

(8) "Employability skills and attitudes" means the cognitive and effective skills needed by pupils to obtain and retain employment, and which are applicable and transferable to general employment situations.

(9) "School supervised work experience" means a set of planned educational experiences, supervised by licensed school personnel, designed to enable learners to acquire attitudes, skills and knowledge for work and other life roles by participating in actual or simulated work settings related to in-school instructional programs.

(10) "State superintendent" means the state superintendent of public instruction.

(11) "Study of economics and American economic institutions " means the study of economics including business, industry, labor, and agricultural operations and organizations and their role in a local, state, national and international economy; entrepreneurship and entrepreneurial skills; consumer and household economics; and the role of citizens in a local, state, national, and international economy.

* Statute
** Rule

(12) "Vocational education" means instructional programs designed to achieve pupil mastery of the skills set forth in s. 118.01(2)(b), Stats.

PI 26.03 GENERAL REQUIREMENTS FOR SCHOOL BOARD PROGRAMS FOR EDUCATION FOR EMPLOYMENT. Under s. 121.02(1)(m), Stats., by September 1, 1991, and thereafter, every board shall have an education for employment program for elementary and secondary pupils which has been approved by the state superintendent under s. PI 26.04. To be approved, a program shall meet all of the following requirements:

(1) The board shall appoint a districtwide education for employment council or participate in a CESA education for employment council, or participate in an education for employment council established through a s. 66.30, Stats., agreement among two or more boards. At least half the council shall be composed of employers who are representative of a cross section of the district or regional labor market. The remainder shall be composed of teachers, administrators, pupil services personnel, board members, pupils, parents, representatives of organized labor, representatives of job training partnership councils, and representatives of district vocational and technical institutes or colleges. The council shall be representative of the population in the district or region, including females, minorities and disabled persons.

(2) The program shall be operated in accordance with an education for employment plan developed by the council and approved by the board by September 1, 1989. The program's long range plan shall be defined in incremental steps and the plan shall be implemented by September 1, 1991. The plan shall be based on pupil needs and interests, equality of educational opportunity, labor market information, impact on economic development and job creation, employment needs, periodic follow-up studies of graduates, and an evaluation of current programs and staff development needs. The plan shall be reviewed annually by the education for employment council, and revised, if necessary, at least once every 5 years.

(3) The board shall designate a staff person to coordinate the education for employment program.

(4) All pupils in grades kindergarten through 12 shall have access to an education for employment program which provides for the following:

(a) Instruction which provides for the practical application of basic skills in the general and vocational curricula.

(b) School-supervised work experience. Work experience may include community field experiences relating to work in grades kindergarten through grade 12, more specific occupational training in grades 7 through 12, and paid work experience in grades 10 through 12.

(c) Career exploration and planning which also addresses sex-role stereotyping in career decision making.

(d) Instruction in employability skills and attitudes.

(e) The study of the practical application of economics and American economic institutions, including entrepreneurship education and the knowledge needed to begin and operate a business.

(5) All pupils in grades 9 through 12 shall have access to vocational education programs which have an appropriate curriculum based on labor market information including follow-up studies of graduates on the basis of race, sex and handicapping condition, job placement and employment needs.

(6) The board shall maintain information on pupil participation in the education for employment program by race, sex and disability.

(7) The board shall establish a business and education partnership council to encourage the development of business and education partnerships. The education for employment council established under sub. (1) may serve as the business and education partnership council.

* Statute
** Rule

(8) The board shall integrate other educational program requirements into the education for employment program, including those found in the school district standards under s. 121.02(1), Stats., vocational skills required under s. 118.01(2)(b), Stats., high school graduation requirements under s. 118.33, Stats., and programs for children at risk under s. 118.153, Stats.

(9) The board shall coordinate the education for employment program with other public school districts; CESAs; vocational technical institutes and colleges; and job training programs.

PI 26.04 APPROVAL OF EDUCATION FOR EMPLOYMENT PROGRAMS. The state superintendent shall review school district education for employment plans during the school district standards compliance audits under s. PI 8.02. The state superintendent shall approve a program if it meets all of the requirements of s. PI 26.03.

*(N) Develop a plan for children at risk under s. 118.153.

**(n) Each school district board shall comply with s. 118.153, Stats., and ch. PI 25, relating to plans and programs for children at risk.

Chapter PI 25
CHILDREN AT RISK PLAN AND PROGRAM REQUIREMENTS

PI 25.01 APPLICABILITY AND PURPOSE. (1) Under s. 118.153(3)(a) Stats., beginning in the 1986-87 school year, every board shall make available programs to serve children at risk. The purpose of the legislation is to serve the needs of children at risk through expanded or newly developed programming and the integration of school, parent and community programs and resources. This chapter defines children at risk, establishes approval criteria and requirements for children at risk plans and programs and sets forth the requirements for receipt of additional state aid in those school districts experiencing high dropout rates.

(2) The requirements under ss. PI 25.03, 25.04 and 25.06 apply to all school districts in the state; s. PI 25.05 contains additional requirements which apply only to school districts operating under ch. 119, Stats.

PI 25.02 DEFINITIONS. In this chapter:

"Adjudicated delinquent" means delinquent as defined under s. 48.02(3m), Stats.

(2) "Alternative programs" means board approved instructional programs offered in place of regularly scheduled curriculum programs.

(3) "Board" means the school board in charge of the public schools of the district.

(4) "Ceased to attend" means that a pupil has been absent without acceptable excuse under ss. 118.15(1)(b) to (d) or (3), and 118.16(4), Stats., for 20 consecutive school days and has not formally withdrawn from school.

(5) "Children at risk" means children who are one or more years behind their age or grade level in mathematics or reading skill levels or the number of credits attained and who are or have ever been any of the following:

(a) Dropouts.

(b) Pupils who have been absent from school for all or part of 20 school days or more during the previous 175 school days without acceptable excuses under ss. 118.15(1)(b) to (d) or (3), and 118.16(4), Stats.

(c) Pupils who are parents.

(d) Pupils who have been adjudicated delinquent.

* Statute
** Rule

(6) "Contract" means a written agreement between a board operating under ch. 119, Stats., and a private, nonprofit, nonsectarian agency for the purpose of providing services to children at risk.

(7) "Curriculum modifications" means adaptations or changes in the district's kindergarten through grade 12 curriculum scope and sequence.

(8) "Department" means the Wisconsin department of public instruction.

(9) "Dropout" means a pupil who has ceased to attend school; continues to reside in the school district; does not attend a public, private or vocational, technical and adult education district school or home-based private educational program under s. 118.15(4), Stats., on a full-time basis; has not graduated from high school and does not have an acceptable excuse under ss. 118.15(1)(b) to (d) or (3), and 118.16(4), Stats.

(10) "Parent" means mother, father, or legal guardian.

(11) "Pupils who are parents" means school age parents as defined under s. 115.91(1), Stats.

(12) "Pupil retention" means the pupil remained enrolled through completion of the school year or graduated from high school.

(13) "Standardized achievement test" means a test which is normed to allow valid and reliable interpretation of grade level achievement, or an objective referenced test approved by the department.

(14) "State superintendent" means the state superintendent of public instruction.

PI 25.03 IDENTIFICATION OF CHILDREN AT RISK AND CHILDREN AT RISK PLAN.

(1) Under s. 118.153(2)(a), Stats., by August 15, 1986, and annually thereafter, every board shall identify children at risk in the school district and develop a written plan for meeting their needs. The plan shall meet the following requirements:

(a) It shall describe how the children at risk who are enrolled in the school district will be identified annually.

(b) It shall describe how the needs of children at risk will be met through each of the following:

1. Curriculum modifications and alternative programs suited to the pupils' learning needs and which enable elementary school pupils to advance in grade level and enable high school pupils to earn academic credit leading to a high school diploma under s. 118.33, Stats. This shall include a description of any curriculum modifications and alternative programs provided under s. 118.15(1)(b) and (d), Stats., and, for districts operating under ch. 119, Stats., those curriculum modifications and alternative programs provided under s. 118.153(3)(c), Stats.

2. Remedial instruction provided to pupils in reading and mathematics skills areas in which it is determined that the pupils are one or more years behind their peers.

3. Parental involvement, including participation in program planning and training for parents to assist them in fostering the school attendance and school achievement of their children.

4. Pupil support services, including school counseling, school social work, school nursing, and school psychological services.

5. Identification and use of community support service providers, including:

a. Community programs and services provided by educational, social, health, business, industry and other public, private and volunteer organizations.

b. State, county and local government agencies.

6. Programs and instruction which will contribute to the preparation of pupils for work, including career exploration and planning, employability skills and attitudes, and development of specific occupational skills.

7. Other approaches and services which have demonstrated success in meeting the needs of children at risk, provided that programs for pupils in grades 9 through 12 are designed to allow pupils to meet the high school graduation requirements under s. 118.33, Stats., and ch. PI 18.

(c) It shall provide for coordination between existing programs, resources and services in the school district and community with any new programs, resources and services designed to serve needs of children at risk.

(d) It shall provide for evaluation of each program or service provided to children at risk to determine the effectiveness of the program or service in meeting the needs of children at risk. School districts which are required to submit their plans to the department for approval under sub. (2), shall provide for evaluation at least annually. Other school districts shall provide for evaluation at least once every five years on a schedule which corresponds with the department audit for compliance with the school district standards under s. 121.02(2), Stats.

(2) If, in the previous school year, a school district had 50 or more dropouts or a dropout rate exceeding 5 percent of its total high school enrollment, the board shall submit the plan developed under sub. (1) to the state superintendent for approval.

NOTE: PI 1204, Report of Pupils Leaving School, will be used as the basis for determining the number and percentages of dropouts. Copies of the form may be obtained at no charge from the Department of Public Instruction, Division for Management and Budget, P. O. Box 7841, Madison, WI 53707.

NOTE: Form PI 2376, Children At Risk Program Plan, may be obtained at no charge from the Department of Public Instruction, Division for Management and Budget, P.O. Box 7841, Madison, WI 53707.

PI 25.04 GENERAL REQUIREMENTS FOR SCHOOL BOARD PROGRAMS FOR CHILDREN AT RISK. Each board operating a program for children at risk shall:

(1) Designate a staff person to coordinate the program for children at risk.

(2) Provide that all work experience and other similar programs and activities taking place outside the school for which pupils receive academic credit are supervised by departmentally licensed teachers or other licensed school personnel.

(3) Ensure that in grades 9 through 12 curriculum modifications and alternative programs provided for children at risk are designed to allow the pupils to meet the high school graduation requirements under s. 118.33, Stats., and ch. PI 18.

(4) Identify children at risk enrolled in the school district and determine those programs and services which will meet the needs of such pupils, utilizing the procedures set forth in the board's plan under s. PI 25.03(1).

(5) Notify each pupil and his or her parents in writing that the pupil has been identified as a child at risk and is eligible to be enrolled in the board's program for children at risk.

(6) Enroll the pupil in the program for children at risk upon request of the pupil or the pupil's parent. The request shall be in writing or by signature on a district provided form.

PI 25.05 **SPECIAL PROVISIONS APPLICABLE TO FIRST CLASS CITY SCHOOL SYSTEM.** (1) The board of a school district operating under ch. 119, Stats., may contract with private, nonprofit, nonsectarian agencies to provide programs for children at risk for up to 30% of the children at risk enrolled in the school district if the board determines that the agencies can adequately serve such children. A board contracting under this section shall:

(a) Determine and list in writing appropriate private, nonprofit, nonsectarian agencies located in the school district.

(b) Ensure that all instruction and pupil support services provided in contracted programs for children at risk are provided by one of the following:

1. Departmentally licensed teachers or other licensed school staff personnel.

2. Persons otherwise licensed to provide the instruction or services they will provide.

3. Persons who are supervised by licensed teachers or other licensed school staff personnel.

(c) Pay each contracting agency, for each full time equivalent child at risk served under the contract, an amount equal to at least 80 percent of the school district's average per pupil cost, and include in the annual report the amount paid to each contracting agency for each child at risk served.

(d) Establish procedures with each contracting agency for the agency to:

1. Describe staff qualifications.

2. Describe curriculum modifications and alternative programs to be provided.

3. Evaluate pupil performance including grading criteria, procedures for granting academic credit, and testing for progress in reading and mathematics skills areas.

4. Record and report pupil attendance and retention rates.

(e) Develop a procedure for communication and cooperation with the contracting agencies in meeting the needs of children at risk served under this section.

(2) The board shall assure the department in writing that each program for children at risk provided by a contracting agency meets all of the requirements of this section.

(3) In addition to the annual report on the children at risk program required under s. PI 25.06(1), the board shall report annually to the department the information required under s. PI 25.06(1)(a) for each contracting agency serving children at risk.

(4) Beginning September 1, 1988, pupils served under this section who receive high school diplomas may not be counted in meeting the conditions under s. PI 25.06(2) unless the pupil met the high school graduation requirements under s. 118.33, Stats., or completed a program under s. 118.33(2)(m), Stats.

PI 25.06 ANNUAL REPORTS, STATE FINANCIAL AID AND DISTRICT USE OF ADDITIONAL FUNDS. (1) ANNUAL REPORTS. (a) Under s. 118.153(4)(a), Stats., beginning in August, 1986, and annually thereafter, boards required to have their program for children at risk plans approved by the state superintendent as specified under s. PI 25.03(2), shall submit an annual report to the state superintendent. The annual report on the program for children at risk shall include the following information concerning pupils served in the program:

1. The number of pupils, by grade level and gender, who were identified as children at risk, who requested enrollment in the program for children at risk, and who were enrolled in the program for children at risk.

2. Pupil attendance rates.

3. Pupil retention rates.

4. High school graduation rates.

5. The percentage of pupils receiving academic credit sufficient for them to advance to the next grade level or to graduate from high school.

6. The average months of gain in comparison to the months of instruction in reading and mathematics as measured by locally determined standardized achievement tests.

(b) Information provided to the department under par. (a) shall be aggregated by district and school.

(c) Results of the evaluations under s. PI 25.03(1)(d) shall be submitted to the department with the annual report.

(d) The district shall maintain records which will substantiate the information reported in the annual report as may be required by the department.

(2) STATE FINANCIAL AID. School districts shall receive additional state aid under s. 118.153(4)(b)1, Stats., if the state superintendent determines from the report required under sub. (1) that any three of the following conditions have been met:

(a) The average daily attendance rate for pupils enrolled in the program for children at risk was at least 70 percent.

(b) At least 70 percent of the pupils enrolled in the program for children at risk completed the school year or graduated from high school during the school year.

(c) At least 70 percent of the pupils who were high school seniors and enrolled in the program for children at risk received a high school diploma.

(d) At least 70 percent of the pupils enrolled in the program for children at risk received academic credit sufficient for them to advance to the next grade level or to graduate from high school.

(e) Pupils enrolled in the program for children at risk showed as a group an average of at least one month gain in reading and mathematics for each month of instruction as measured by locally determined standardized achievement tests.

NOTE: Form PI 2375, Annual Report for Children At Risk Program, may be obtained at no charge from the Department of Public Instruction, Division for Management and Budget, P.O. Box 7841, Madison, WI 53707.

(3) DISTRICT USE OF ADDITIONAL FUNDS. The board of a school district receiving additional funds to provide programs and services to meet the needs of children at risk shall use the additional funds to fund board operated or contracted curriculum modifications, alternative programs, remedial instruction, parental involvement, pupil support services and program evaluation; and contracted services as specified under s. PI 25.05(1). This subsection does not provide authorization for boards to contract for programs or services beyond statutory authority. Annually, the board shall submit a report to the department that the funds were used as required.

*(O) Annually, adopt and publish a performance disclosure report. The report shall describe the school board's and each school's educational goals and objectives, including learning-related performance objectives, and the results of the tests administered under par. (s) during the previous school year.

**(o) Each school district board shall annually adopt and publish a report to the residents of the school district. The report shall be written in plain language and shall include the following:

a. A statement of the educational goals and objectives of the school district, including performance objectives related to learning and the progress made in meeting the objectives.

b. A statement of the educational goals and objectives for each school in the school district, including performance objectives related to learning and the progress made in meeting the objectives.

c. Results of achievement tests administered under par. (s) or under s. 118.30, Stats., for the school district and for each school in the school district.

* Statute
** Rule

*(P) Comply with high school graduation standards under s. 118.33(1).

**(p) Each school district board shall comply with s. 118.33., Stats., and ch. PI 18, relating to high school graduation standards.

CHAPTER PI 18
HIGH SCHOOL GRADUATION STANDARDS

PI 18.01 PURPOSE AND APPLICABILITY. The purpose of this chapter is to establish course requirements to meet the graduation standards outlined in s. 118.33, Stats., including accommodations for pupils with exceptional educational interests, needs, or requirements; to establish procedures by which boards will submit reports describing the boards' policies on high school graduation standards to the department; and to establish procedures by which those policies are certified by the board and reviewed by the state superintendent, and by which equivalent policies are approved by the state superintendent.

PI 18.02 DEFINITIONS. In this chapter:

(1) "Board" means the school board or board of education in charge of the schools of a school district.

(2) "Course" means study which has the fundamental purpose of developing the knowledge, concepts, and skills in a subject.

(3) "Credit" means the credit given for successful completion of a school term of study in one course in the high school grades that meets daily for a normal class period or the equivalent established by the board.

(4) "Department" means the department of public instruction.

(5) "Equivalent graduation policy" means a board policy which meets the credit requirements specified for each subject area, but which permits selected equivalent courses as long as such courses contain the time allotment and substantially the same objectives to develop the knowledge, concepts, and skills of the course for which an equivalent is proposed.

(6) "High school diploma" means a document granted by the board to a pupil upon successful completion of a high school program meeting the requirements outlined in this chapter and those requirements established by the board.

(7) "High school grades" means grades nine through twelve.

(7m) "Open campus" means a policy of allowing a pupil to leave the school premises during any class period solely because the pupil is not enrolled in a class during that class period.

(8) "Pupils with exceptional educational interests, needs, or requirements" includes children with exceptional educational needs as defined under s. 115.76(3), Stats., gifted and talented children as determined by the board, limited-English speaking pupils as defined under s. 115.955, Stats., transfer pupils, pupils as provided in s. 118.15(1)(d), Stats., and other pupils with unusual circumstances as established by local school board policy.

(9) "State superintendent" means the superintendent of public instruction for the state of Wisconsin.

(10) "Transfer pupils" means those pupils transferring during the high school grades from a private school as defined under s. 115.01(1g), Stats., from a home-based private educational program as defined under s. 115.01(1r), Stats., or from an out-of-state school.

(11) "Work release" means permitting pupils to leave the school premises solely for employment.

* Statute
** Rule

PI 18.03 HIGH SCHOOL GRADUATION STANDARDS. (1) COURSE REQUIREMENTS. Beginning September 1, 1988, a board may not grant a high school diploma to any pupil unless the pupil has:

(a) Earned a minimum of 12.5 credits in grades 9 to 12 as follows:

1. Four credits of English which incorporate instruction in written communication, oral communication, grammar and usage of the English language, and literature.

2. Three credits of social studies which incorporate instruction in state and local government.

3. Two credits of mathematics which incorporate instruction in the properties, processes, and symbols of arithmetic and elements of algebra, geometry, and statistics.

4. Two credits of science which incorporate instruction in the biological sciences and physical sciences.

5. 1.5 credits of physical education which incorporate instruction in the effects of exercise on the human body, health-related physical fitness, and activities for lifetime use.

6. Earned, in grades 7 to 12, at least 0.5 credit of health education which incorporates instruction in personal, family, community, and environmental health.

(2) ADDITIONAL CREDITS. In addition to the minimum course requirements outlined in sub. (1), the state superintendent encourages boards to require a minimum of 8.5 additional credits in vocational education, foreign languages, fine arts, and other courses.

PI 18.04 ACCOMMODATIONS FOR PUPILS WITH EXCEPTIONAL EDUCATIONAL INTERESTS, NEEDS, OR REQUIREMENTS. Education programs for high school graduation may be provided to accommodate pupils with exceptional educational interests, needs, or requirements.

(1) Education programs to accommodate pupils with exceptional educational interests, needs, or requirements shall:

(a) State the specific nature of the exceptional educational interests, needs, or requirements;

(b) State how the proposed program will respond to the exceptional educational interests, needs, or requirements;

(c) State how the education program will address each of the requirements in s. 118.33, Stats. and PI 18.03(1).

(2) Placement in a program under s. 115.85, Stats., meets the requirements in s. PI 18.04(1).

(3) Programs to accommodate pupils with exceptional educational interests, needs, or requirements other than those under s. 115.85, Stats., shall be approved by the state superintendent.

(4) Successful completion of an education program under sub. (1) or (2) may result in issuance of a diploma.

PI 18.05 SUBMISSION OF HIGH SCHOOL GRADUATION STANDARDS POLICIES.

(1) By September 1, 1986, each board operating a high school shall submit to the state superintendent, on forms provided by the department, a report describing the board's high school graduation policies governing diplomas which will be granted subsequent to September 1, 1988. Such policies shall include:

(a) The courses the board has approved as meeting the course requirements outlined in s. PI 18.03(1) including the course descriptions.

(b) The number of clock hours of instruction required to earn one credit in the courses the board has approved as meeting the course requirements outlined in s. PI 18.03(1).

* Statute
** Rule

(c) The education programs for pupils with exceptional educational interests, needs, or requirements.

(d) The activities approved by the board under s. 118.33(1)(b), Stats. Open campus and work release may not be approved by a board under this section. A pupil's employment during school hours may be approved if the employment is part of or related to the pupil's instructional program; or if the employment is approved as an accommodation for a pupil with exceptional educational interests, needs, or requirements under s. PI 18.04.

NOTE: Form PI 1803, High School Graduation Standards Compliance Review may be obtained at no charge from the Department of Public Instruction, Division for Instructional Services, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707.

(2) The board shall notify the state superintendent whenever changes are made in its high school graduation policy.

(3) The board shall certify to the state superintendent that its high school graduation policy is in compliance with the requirements under s. 118.33(1), Stats., and this chapter; or the board shall request approval of its high school graduation policy under sub. (5) as equivalent to the requirements under s. 118.33(1), Stats.

(4) The state superintendent may periodically review the boards' high school graduation policies and shall notify any board not in compliance with the requirements in s. 118.33(1), Stats., and this chapter. The state superintendent shall identify the changes necessary to achieve compliance.

(5) The state superintendent shall approve any board's high school graduation policy that is equivalent to the requirements under s. 118.33(1), Stats.

*(Q) Evaluate, in writing, the performance of all certified school personnel at the end of their first year and at least every third year thereafter.

**(q) Each school district board shall establish specific criteria and a systematic procedure to measure the performance of licensed school personnel. The written evaluation shall be based on a board adopted position description, including job related activities, and shall include observation of the individual's performance as part of the evaluation data. Evaluation of licensed school personnel shall occur during the first year of employment and at least every third year thereafter.

The school district board shall ensure that evaluations, including those for purposes of discipline, job retention or promotion, shall be performed by persons who have the training, knowledge and skills necessary to evaluate professional school personnel. The school district board shall be responsible for the evaluation of the school district administrator under this subdivision.

*(R) Annually administer a standardized reading test developed by the department to all pupils enrolled in the school district in grade 3.

**(r) The department shall develop a standardized reading test for pupils in grade 3. The department shall annually provide the test to all school district boards and score and report the results. Each school district board shall annually administer the test to all pupils in the school district enrolled in grade 3. Standardized refers to test objectives and items, test related

materials, test administration procedures, the testing schedule, and the scoring and reporting procedures and formats. The department shall provide guidelines to assist school districts in testing and excluding from testing pupils with special needs, including pupils with exceptional educational needs under ch. 115, subch. V., Stats., and pupils with limited English proficiency under ch 115, subch. VII, Stats.

The department shall report each school district's test results, for the school district and for each school in the district, to the school district board.

The department shall report aggregate statewide pupil achievement data to each school district for the purpose of local evaluation of school district test performance in relation to statewide performance.

The department shall establish achievement performance standards and shall report the achievement level to each school district board in relation to the standards.

*(S) Using achievement tests that are aligned with the school district's curriculum, test all of the pupils enrolled in the school district in reading, language arts and mathematics at least twice in grades Kindergarten to 5, at least once in grades 6 to 8 and at least once in grades 9 to 11.

**(s) Each school district board shall test all of the pupils enrolled in the school district in reading, language arts, and mathematics at least twice in grades Kindergarten through 5, at least once in grades 6 through 8, and at least once in grades 9 through 11. The school district board shall use achievement tests that are aligned with the school district's curriculum objectives identified under par. (k). The department shall provide guidelines to assist school districts in testing and excluding from testing pupils with special needs including pupils with exceptional educational needs under ch. 115, subch. V, Stats., and students with limited English proficiency under ch. 115, subch. VII, Stats. A school district's participation in the competency testing program under s. 118.30, Stats., meets the requirements of this paragraph.

*(T) Provide access to an appropriate program for pupils identified as gifted and talented.

**(t) In this paragraph "appropriate program" means a systematic and continuous set of instructional activities or learning experiences which expand the development of the pupils identified as gifted or talented.

"Gifted and talented pupils" has the meaning set forth in s. 118.35(1), Stats.

Each school district board shall establish a means for identifying gifted and talented pupils in each of the categories identified in s. 118.35(1), Stats. Multiple criteria for the identification of gifted or talented pupils shall be used including intelligence, achievement, leadership, creativity, product evaluations, and nominations. A pupil may be identified as gifted or talented in one or more of the categories under s. 118.35(1), Stats. The school district board shall provide access, without charge for tuition, to appropriate programs for pupils identified as gifted or talented as required under

ss. 118.35(3) and 121.02(1)(t), Stats. The school district board shall provide an opportunity for parental participation in the planning of the proposed program.

*WISCONSIN STATUTE 121.02(2)

In order to ensure compliance with the standards under sub. (1), the state superintendent shall annually conduct a general on-site audit of at least 20 percent of all school districts, selected by means of a stratified, random sample. The state superintendent shall audit each school district at least once every five years but may not audit a school district more than once every three years. The state superintendent shall ensure that the audit process involves school board members, school district administrators, teachers, pupils, parents of pupils and other residents of the school district. Nothing in this subsection prohibits the state superintendent from conducting an inquiry into compliance with the standards upon receipt of a complaint.

*WISCONSIN STATUTE 121.02(3)

Prior to any finding that a school district is not in compliance with the standards under sub. (1), the state superintendent shall, upon request of the school board or upon receipt of a petition signed by the maximum number of electors allowed for nomination papers of school district officers under s. 8.10(3)(i), (km) or (ks), conduct a public hearing in the school district. If the state superintendent, after the hearing, finds that the district is not in compliance with the standards, the state superintendent may develop with the school board a plan which describes methods of achieving compliance. The plan shall specify the time within which compliance shall be achieved. The state superintendent may provide in the criteria established by the department under sub. (1) alternative methods for districts to comply with each of the standards in this section shall withhold up to 25% of state aid from any school district that fails to achieve compliance within the specified period.

*WISCONSIN STATUTE 121.02(5)

The state superintendent shall promulgate rules to implement and administer this section, including rules defining "regular instruction" for the purpose of sub. (1)(L) 1 and 2.

**PI 8.02 Compliance Audits

(1) Beginning in the 1988-89 school year, the department shall annually conduct a general on-site audit of at least 20 percent of all school districts, as required under s. 121.02(2), Stats., selected by means of a stratified random sample. In this section, "selected by means of stratified random sample" means that districts will be grouped accordingly to enrollment and a representative number will be selected randomly from each group. The state superintendent shall audit each school district at least once every five years but may not audit a school district more than once every three years. Nothing in this section prohibits the state superintendent from conducting an inquiry into compliance with the standards upon receipt of a complaint.

(2) The department shall notify the school district board at least 90 days prior to beginning the on-site audit.

* Statute
** Rule

(3) The department shall provide a report to the school district board in writing within 60 days of the end of the on-site visit. If the report indicates that the district is not in compliance with s. 121.02(1), Stats., or s. PI 8.01(2), the school district board or the electors of the school district as provided under s. 121.02(3), Stats., may petition the state superintendent for a public hearing within 45 days of receipt of the audit report. The state superintendent shall hold the public hearing prior to any finding of noncompliance.

PI 8.03 Noncompliance Hearings

(1) Upon request of the school board or upon receipt of a petition signed by the number of electors under s. 121.02(3), Stats., the state superintendent, or a person designated by the state superintendent as the hearing officer, shall conduct a public hearing in the school district prior to any finding that a school district is not in compliance with the standards under s. 121.02(1), Stats., or s. PI 8.01(2).

(2) The department shall mail notice of the hearing to the interested parties or their representatives and to representative media in the geographical area of the school district at least 10 days before the public hearing. The notice shall include the time and place of the hearing, and a deadline for submitting written statements.

(3) At the public hearing, all interested persons or their representatives shall be given an opportunity to present facts, opinions or arguments relative to the allegation of noncompliance in the report under s. PI 8.02(3) or in the petition of the electors under s. 121.02(3), Stats. The hearing officer may administer oaths or affirmations to those persons interested in giving testimony, and may question persons giving testimony. The hearing officer may limit the length of oral presentations at his or her discretion and may continue or postpone the hearing to such time as he or she deems appropriate. The department shall keep minutes or a taped record of the hearing.

(4) Any interested person may present written statements of facts, opinions or arguments on the issue of the hearing to the state superintendent, whether or not the person presented oral testimony. The state superintendent or hearing officer shall set a reasonable deadline for the submission of any written statements.

(5) After the public hearing and not later than 90 days after the deadline for submission of written statements, the state superintendent shall issue a written decision on whether the district is in compliance with the standards.

(6) If the state superintendent finds the school district board is not in compliance with the standards, the state superintendent may develop with the school district board a plan for compliance which specifies a time period, not to exceed 90 days, in which compliance must be achieved. Prior to the expiration of the time period, a school district board may submit a written request to the state superintendent for an

* Statute
** Rule

extension of the time period. The request shall set forth the extenuating or mitigating circumstances that support granting the request and a date by which compliance will be achieved. The state superintendent may grant one extension of the time period, not to exceed one year. The state superintendent shall withhold up to 25% of state aid from any school district which fails to achieve compliance within the specified period, as required under s. 121.02(3), Stats.

PI 8.001 Definitions

(1) "Access" means an opportunity to study through school district course offerings, independent study, cooperative education service agencies, or cooperative arrangements between school district boards under s. 66.30, Stats., and post-secondary education institutions.

(2) "Career exploration and planning" means the process by which elementary and secondary pupils identify and evaluate life and work choices, explore and plan career goals, and acquire realistic life and work decision-making skills.

(3) "Children at risk" has the meaning set forth in s. 118.153(1)(a), Stats.

(4) "Days" means calendar days unless otherwise specified.

(5) "Department" means the Wisconsin Department of Public Instruction.

(6) "Hours" means clock hours.

(7) "Kindergarten" means five-year-old Kindergarten unless otherwise specified.

(8) "Licensed" means holding a valid license issued by the department as required under ss. 118.19 and 121.02(1)(a), Stats.

(9) "Post secondary education institutions" means public and private colleges and universities, and vocational and technical institutions and schools.

(10) "School district board" means the school board in charge of the schools of a public school district.

(11) "School term" has the meaning set forth in s. 115.001(12), Stats.

(12) "State Superintendent" means the State Superintendent of Public Instruction.

(13) "Vocational education" means instructional programs designed to assist pupils in achieving mastery of the skills set forth in s. 118.01(2)(b), Stats.

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RESPONSE FORM
EDUCATION FOR HOMELESS CHILDREN AND YOUTH

PREPARED BY_____

_____School District

1. What services/procedures are included in the enrollment process to address issues related to the needs of pupils that attend school in your district from transitional housing and homeless shelter situations? Please respond to the following questions:

   a. Is a home-school coordinator (social worker, psychologist, or teacher) available to interview and screen the families and help them enroll? Please explain.

   b. Are the students and their families given a tour of the school facilities? Please explain.

   c. Does a staff person call the previous school attended to facilitate the exchange of school and health records? Please explain.

   d. Are the students screened academically by the home-school coordinator and designated staff-Chapter 1, Reading Resource, and Educational Assistants and this information shared with the classroom teacher? Please explain.

   e. Are the homeless pupils provided with Chapter 1 services when appropriate? Please explain.

   f. Are the students provided with school supplies such as pencils, paper and markers? Please explain.

   g. Do classroom teachers provide "buddies" to show them around and help them feel more at home? Please explain.

   h. Are homeless pupils encouraged to participate in all school activities, including using the IMC resources? Please explain.

   i. Are M-team evaluations initiated in appropriate situations? Please explain.

j. Are behavioral programs available when needed as well as linkages to community services if necessary? Please explain.

k. Are breakfast and noon lunch provided at no charge to the students? Please explain.

l. Are registration fees, book charges, insurance and other fees waived for homeless students? Please explain.

m. Are health needs evaluated by a health professional and appropriate referrals made? Please explain.

2. Is it current practice that your district document the type of behavioral, social and academic needs that are observed in working with the transitional/homeless population as well as the impact these pupils have on other students, staff and resources? Please explain.

3. What changes, if any, should be proposed in the following Wisconsin Statutes governing the operation of public schools that would allow more flexibility in providing educational services to homeless pupils: Attendance Plans (s.118.15); Children at Risk (s.118.153); School Age Parents (s.115.91); Alcohol and Other Drugs (s.115.36); Pupil Records (s.118.125); Transportation by School Districts (s.121.54); and Pupil Discrimination (s.118.13)? Please explain.

a. Would expanding the Children at Risk initiative to include homeless pupils benefit your district in providing education and related services to these children? Please explain.

4. Is free transportation available that will allow homeless pupils to attend the school they were attending prior to becoming homeless? Please explain.

a. Do current statutes and School Board policies adequately address the transportation requirements of homeless pupils in the district? Please explain.

5. Does the district use a tracking system to determine how often homeless pupils change school and living arrangements? Please explain.

6. Does the Board of Education have written statements of policy for administration of educational programs and services to the transitional/homeless pupils?

   YES_____ NO_____

   a. If yes, please include these policies.

7. What is the approximate number of homeless pupils residing in the district that are not attending school and what are the reasons these pupils are not attending on a regular basis?

   Number _____

   Reasons for non-attendance:

8. What was the approximate number of homeless pupils, K-12, (using the Stewart B. McKinney definition of homelessness) that enrolled in the district during the 1987-88 school term?

   a. What is the approximate number currently enrolled (K-12)?

HH:bf

Chapter PI 1

COMPLAINT RESOLUTION AND APPEALS

PI 1.01 Purpose and applicability
PI 1.02 Definitions
PI 1.03 Receipt and filing of complaints and appeals
PI 1.04 Procedures
PI 1.05 Investigations
PI 1.06 Mediation
PI 1.07 Hearings
PI 1.08 Decision
PI 1.09 Withdrawal, failure to prosecute
PI 1.10 Rights to further review

Note: Chapter PI 1 as it existed on December 31, 1987, was repealed and a new chapter PI 1 was created effective January 1, 1988.

PI 1.01 Purpose and applicability. (1) PURPOSE. The purpose of this chapter is to provide the state superintendent with a system for dealing with complaints and appeals received by the department; to promote coordination with other appropriate units of government and agencies regarding complaints and appeals; and to promote the voluntary resolution of problems at the level closest to their source.

(2) APPLICABILITY. This chapter applies to all complaints received by the department, and to all appeals authorized by statute which are filed with the department, except that this chapter does not apply to appeals or complaints subject to other, more specific, statutes or rules, including, but not limited to, the following:

(a) Appeals relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education of a child who has an exceptional educational need, which shall be resolved under 20 USC s. 1415 of the Education of the Handicapped Act and ch. 115, subch. V, Stats.

(b) Appeals of a departmental decision that a teacher education program is not in compliance with ch. PI 3 or 4, which shall be resolved through the procedures under s. PI 4.03.

(c) Complaints that the state or a subgrantee is violating subch. II of the Education of the Handicapped Act, 20 USC ss. 1411-1418 and 1420, which shall be resolved through the procedures under the Education Department General Administrative Regulations at 34 CFR Parts 76 and 77, commonly referred to as EDGAR.

(d) Complaints, hearings and appeals related to license revocation and reinstatement under s. 118.19 (5), Stats., and s. PI 3.045, which shall be resolved through the procedures specified in s. PI 3.045.

(e) School district boundary appeal board hearings, which shall be conducted under s. 117.03, Stats.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.02 Definitions. In this chapter:

(1) "Appeal" means an application to the state superintendent, as provided by statute or rule, to review a decision by a local education agency.

(2)"Complaint" means an allegation of wrongdoing filed with the state superintendent against a local education agency, its officers or employes stating essential facts and demanding relief.

(3) "Department" means the Wisconsin department of public instruction.

(4) "Local education agency" means school boards, school districts, cooperative educational service agencies, county handicapped childrens' education boards, public libraries, public library systems, and private schools or agencies if the private schools' or agencies' actions or decisions concern programs receiving state or federal funds which are administered by the department.

(5) "Party" means the complainant or appellant and the local education agency named in the complaint or appeal.

(6) "Rule" means any rule in the Wisconsin Administrative Code or regulation in the Code of Federal Regulations.

(7) "State superintendent" means the state superintendent of public instruction.

(8) "Statute" means any Wisconsin or United States statute.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.03 Receipt and filing of complaints and appeals. (1) All complaints and appeals shall be filed in writing specifying the grounds upon which the action is brought, the facts, and any relief sought. Complaints and appeals shall be signed by the complainant or appellant or the representative of the complainant or appellant. If the complainant or appellant is a minor, the complaint or appeal shall also be signed by his or her parent or guardian, unless the statute or rule under which the complaint or appeal is filed prohibits this requirement.

(2) If the complaint or appeal is filed by the representative under sub. (1), the representative shall file a notice of representation which shall include written consent of the complainant or appellant and the parent or guardian if required in sub. (1).

(3) Failure of the complainant or appellant to file a complaint or appeal within the time period specified in the statute or rule under which the complaint or appeal is filed deprives the state superintendent of jurisdiction in the matter.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.04 Procedures. Upon receipt of a written complaint or appeal filed under s. PI 1.03, the state superintendent shall acknowledge receipt of the complaint or appeal in writing and shall use any or all of the following procedures which he or she determines to be appropriate:

(1) Provide technical assistance and information and attempt to resolve the matter informally.

(2) Refer the complainant to another state agency for action or resolution.

(3) Conduct an investigation under s. PI 1.05.

(4) Conduct a hearing under s. PI 1.07.

(5) Issue a decision based on a review of the record of a hearing held before the local education agency.

(6) Issue protective orders or grant temporary relief as deemed necessary by the state superintendent to preserve the rights of any party prior to the issuance of a final decision or order.

(7) Arrange for mediation under s. PI 1.06.

(8) Direct the complainant to exhaust any administrative remedies available before the local education agency.

(9) Determine that the state superintendent does not have jurisdication in the matter.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.05 Investigations. (1) If the state superintendent determines under s. PI 1.04 (3) to conduct an investigation, the investigation may include an on-site review or any other activity which the state superintendent deems appropriate.

(2) The state superintendent may determine whether reasonable grounds exist for believing that the matter asserted by the complainant or appellant is probably true, and may issue a finding to that effect.

(3) During the investigation, the state superintendent may keep the identity of the complainant in confidence if, in the state superintendents' judgment, disclosure of the complainant's identity would be likely to subject the complainant to retaliatory action or would otherwise jeopardize the investigation.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.06 Mediation. (1) Prior to holding a hearing regarding a complaint or an appeal, the state superintendent may attempt to resolve the matter through mediation if the parties agree. The state superintendent shall appoint the mediator. If the parties agree to a negotiated settlement, the mediator shall notify the state superintendent of the terms of the settlement and the state superintendent shall find that the matter is resolved. If the parties are unable to agree to a negotiated settlement, the state superintendent shall determine which other procedures under s. PI 1.04 to follow.

(2) The mediation sessions shall be conducted at the discretion of the mediator, except that if a negotiated settlement has not been reached within 90 days after the mediator received the complaint or appeal, the mediator shall either request an extension of time or inform the state superintendent that the mediation effort is unsuccessful.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.07 Hearings. (1) WHEN HELD. The state superintendent shall conduct a hearing when required by the statute or rule under which the complaint or appeal is filed or when required under s. 227.42, Stats. The state superintendent may conduct a hearing in other matters if he or she deems it is appropriate.

(2) NOTICE. Except in case of emergency, as determined by the state superintendent, at least 10 days prior to the hearing the state superin-

tendent shall mail to the parties, by certified mail, written notice of hearing stating the time, date and place of the hearing, the nature of the case, a general statement of the issues to be heard and the procedures to be followed. The parties may by mutual consent waive the right to notice. The state superintendent may postpone the hearing in the case of exceptional circumstances.

(3) HEARING EXAMINER. The state superintendent shall preside over the hearing or appoint a hearing examiner. The state superintendent may not appoint any person as hearing examiner who has been involved, either directly or indirectly, with the action or decision which is the subject of the complaint or appeal.

(4) CONDUCT OF HEARING. (a) If the state superintendent determines that the matter is a contested case under s. 227.01 (3), Stats., the hearing shall be conducted under procedures specified in subch. III of ch. 227, Stats., and this chapter.

(b) The hearing examiner shall have the powers specified in s. 227.46, Stats., regardless of whether the matter is being treated as a contested case under ch. 227, Stats.

(c) If the local education agency fails to appear at the hearing, the hearing examiner may proceed with the hearing.

(5) HEARING RECORD AND TRANSCRIPTS. The department shall ensure that a stenographic or electronic record of oral proceedings is made when required under ch. 227, Stats. The department shall transcribe the hearing record at the request of either party if the transcript is needed for an appeal of the decision of the state superintendent or hearing examiner. The department shall charge a reasonable fee for transcribing the hearing record unless the state superintendent determines that the party is unable to pay.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.08 Decision. Following the hearing of a contested case under ch. 227, Stats., and when otherwise required by statute or rule, the decision of the state superintendent or hearing examiner shall be in writing stating separate findings of fact and conclusions of law. The decision may order remedies which the state superintendent or hearing examiner determines appropriate, and may or may not include the relief sought by the complainant or appellant. Decisions shall be served on all parties by mailing a copy to each party's last known address by certified mail along with a notice of any right to further review as may be provided by the statute or rule under which the complaint is filed or ss. 227.52 to 227.57, Stats.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.09 Withdrawal, failure to prosecute. (1) WITHDRAWAL. At any time prior to the issuance of a final decision, the complainant or appellant may withdraw the complaint or appeal in writing. Upon receiving such a request, the state superintendent shall issue an order dismissing the matter without prejudice.

(2) FAILURE TO PROSECUTE. The state superintendent may dismiss any complaint or appeal if:

(a) The complainant or appellant fails to respond within 20 days to correspondence, sent by certified mail to his or her last known address, from or on bahalf of the state superintendent concerning the complaint or appeal, or

(b) The complainant or appellant fails to appear at the hearing.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.10 Rights to further review. (1) Upon the request of either party, the state superintendent may reopen a complaint or appeal which was resolved informally or through mediation. If the state superintendent reopens the complaint or appeal, he or she shall determine which procedures under s. PI 1.04 to follow.

(2) Final decisions issued by the state superintendent shall specify any rights the parties may have to judicial review under ch. 227, Stats., or other statute or rule.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

THE STATE OF WISCONSIN • DEPARTMENT OF PUBLIC INSTRUCTION
125 South Webster Street • Box 7841 • Madison, Wisconsin 53707-7841
Herbert J. Grover, State Superintendent / Tim Quinn, Deputy State Superintendent
(608) 266-3390

June 30, 1988

Mr. Edward Smith
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue S.W.
Room 2030-MS6257
Washington D.C. 20202

Dear Mr. Smith:

Enclosed is the Status Report-Education of Homeless Children and Youth under the Stewart B. McKinney Homeless Assistance Act, Department of Education.

For purposes of education, the definition for Homeless Children and Youth does need further clarification. In addition to the number and location of children identified in the Status Report, the following living arrangements do exist for school age children in Wisconsin:

-	Children of migrant worker families attending school (FY1985)	1,533
-	Non-legally responsible relatives (NLRR)	3,217
-	Foster family home (relative/non-relative)	3,476
-	Non-finalized adoptive home	157
-	Group home for children	507
-	Child care facility (resident treatment & other institutional living	636

We are uncertain if any of these living arrangements would be considered a homeless situation for these children.

Your consideration for a more comprehensive definition of homeless children and youth would be appreciated.

Sincerely,

Henry Hendrickson

Henry Hendrickson, Consultant
Education of Homeless Children and Youth

HH:bf

cc: William J. Erpenbach, Director
Bureau for Pupil Services

Richard Roth, Chief
Pupil Services Team Section

enclosures

STATUS REPORT - EDUCATION OF HOMELESS CHILDREN AND YOUTH UNDER THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT DEPARTMENT OF EDUCATION

Form Approved
OMB No.: 1810-0536
Expiration Date: 9/90

GENERAL INSTRUCTIONS

SPECIFICS: Please provide the following information requested pursuant to Section 722(d) of the Stewart B. McKinney Homeless Assistance Act and return to:

Mr. Edward Smith
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW (Room 2030 - MS 6257)
Washington, D.C. 20202

DEFINITIONS: For purposes of this reporting form, the following definitions apply:

"Homeless"- A homeless individual is one who (1) lacks a fixed, regular, and adequate residence or (2) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings (Section 103 (a)(1)(2) of the Act).

The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained by an Act of Congress or a State law (Section 103(c)).

"Child" and "Youth"- Persons who, if they were children of residents of the State, would be entitled to a free public education.

I. (a) List numbers of homeless children and youth in your State according to school-level groups.

School Level	Numbers of Children/Youth
Elementary (K-6)	75
Middle/Jr. High (7-9)	32
High School (10-12)	32

Total estimated number of children is 219 at any point in time, 90 are not in school or not of school age.

(b) Indicate the source of the information in item I.(a).

Estimate is obtained by taking survey data for Milwaukee County and then estimating the rest of the state based upon the ratio of the AFDC population in Milwaukee Co. Estimate is the number of homeless children at any one point in time. The mean period of being homeless is estimated at 12.97 days. If these estimates are correct, this would mean that 3,630 school age children are homeless at some time during the calendar year or 1,790 are homeless during the entire school year.

II. (a) List (in rank and order) numbers of children housed according to the locations of homeless children and youth in your State. (NOTE: The total number of children should equal the total number in item I.(a)).

Type of Housing	Numbers of Children/Youth
Public operated shelters	21
Privately operated shelters	108
Relatives or friends	unknown
Other (specify)_____	_____

(b) Indicate the source of the information provided in II.(a).

This is the ratio of public (county) shelters to the number of private shelters in Milwaukee County. Private is defined as anything not publically financed and controlled. The Salvation Army, Red Cross, ethnic shelters etc. are thus defined as private.

III.(a) List in order of numbers of homeless children, those municipalities having the greatest numbers of homeless children and youth.

Name of Municipality	Numbers of Children/Youth
Milwaukee	55
Madison	5
Kenosha	4
LaCrosse	2
Appleton	3
Racine	7

(b) Indicate the source of the information provided in III.(a).

Estimate is based upon the ratio of the AFDC population in these counties

IV. The sum of (a) and (b) should equal the total number reported in item I.(a).

(a) How many homeless children and youth are presently attending school in your State? 1,790

(b) How many homeless children and youth are not attending school in your State? unknown

(c) Indicate the source of information provided in IV(a) and (b).

See item I. (a & b)

V. Indicate the reasons the homeless children and youth are not attending school in your State, and provide the basis for these conclusions.

(Use additional sheets, if necessary)

VI. (a) List, in order of importance, the special educational needs of the homeless children and youth.

- the safety and security of the homeless child
- meeting the nutritional needs of the homeless child
- transportation for attendance in the school that would be the best
- professional evaluation/assessment of the homeless child to determine placement in an appropriate educational program
- the LEAs commitment of resources and staff to accommodate the special educational needs of homeless children and youth
- the timely transfer of records if a homeless child is required to change their school of attendance

(b) List, in order of importance, the difficulties you have encountered in identifying these needs.

- the lack of data on the number and location of homeless children and youth
- the lack of understanding of the importance of uninterupted education for homeless children by other agencies and shelter operators
- a need exists for clarification of the definition of a homeless child
- communications between LEAs, county human/social service departments, public and private shelters and other agencies is less than adequate

"To the best of my knowledge, the facts and figures in this document are accurate."

Chief State School Officer — Date: 7/1/88

Street Address:
125 South Webster Street
Madison, WI 53707
Phone: (608) 266-3390

Mailing Address:
Post Office Box 7841
Madison, WI 53707-7841

Herbert J. Grover
Superintendent of Public Instruction

December 30, 1988

Mr. Edward Smith
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue S.W.
Room 2030-MS6257
Washington, D.C. 20202

Dear Mr. Smith:

Enclosed is the Status Report-Education of Homeless Children and Youth under the Stewart B. McKinney Act, Department of Education. This is the final report due December 31, 1988.

As I explained in our phone conversation of December 21, I will be sending a revised final report about February 15, 1989. The revised report will reflect the results of a statewide survey to be conducted in cooperation with the Wisconsin Department of Health and Social Services on January 22, 1989. This survey will provide us with more accurate information on the homeless population in Wisconsin.

I have enclosed a copy of the survey instrument and a draft of the cover letter that will accompany the survey form. The letter explains the procedure and the purpose of the survey on the homeless.

You agreed in our phone conversation that a revised final report would be acceptable. If additional information is needed, please call me at (608) 267-3724.

Your continued cooperation will be appreciated.

Sincerely,

Henry Hendrickson

Henry Hendrickson, Consultant
Education for Homeless Children and Youth

HH:bf
enclosure

cc: William J. Erpenbach, Director
Bureau for Pupil Services

STATUS REPORT - EDUCATION OF HOMELESS CHILDREN AND YOUTH UNDER THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT DEPARTMENT OF EDUCATION

Form Approved
OMB No.: 1810-0536
Expiration Date: 9/90

GENERAL INSTRUCTIONS

SPECIFICS: Please provide the following information requested pursuant to Section 722(d) of the Stewart B. McKinney Homeless Assistance Act and return to:

Mr. Edward Smith
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW (Room 2030 - MS 6257)
Washington, D.C. 20202

DEFINITIONS: For purposes of this reporting form, the following definitions apply:

"Homeless"- A homeless individual is one who (1) lacks a fixed, regular, and adequate residence or (2) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as a regular sleeping accomodation for human beings (Section 103 (a)(1)(2) of the Act).

The term **"homeless"** or **"homeless individual"** does not include any individual imprisoned or otherwise detained by an Act of Congress or a State law (Section 103(c)).

"Child" and "Youth"- Persons who, if they were children of residents of the State, would be entitled to a free public education.

I. (a) List numbers of homeless children and youth in your State according to school-level groups.

School Level	Numbers of Children/Youth
Elementary (K-6)	80
Middle/Jr. High (7-9)	35
High School (10-12)	35

Total estimated number of children is 150 at any point in time, 100 are not in school or not of school age.

(b) Indicate the source of the information in item I.(a).

Estimate is obtained by taking survey data for Milwaukee County and then estimating t rest of the state based upon the ratio of the AFDC population in Milwaukee Co. Estimate is the number of children at any one point in time. The mean period of being homeless is estimated at 12.97 days. If these estimates are correct, it would mean that 5,872 school age children were homeless at some time during the year.

II. (a) List (in rank and order) numbers of children housed according to the locations of homeless children and youth in your State. (NOTE: The total number of children should equal the total number in item I.(a)).

Type of Housing	Numbers of Children/Youth
Public operated shelters	21
Privately operated shelters	108
Relatives or friends	Unknown
Other (specify)_____	

(b) Indicate the source of the information provided in II.(a).

This is the ratio of public (county) shelters to the number of private shelters in Milwaukee County. Private is defined as anything not publically financed and controlled. The Salvation Army, Red Cross, ethnic shelters, etc. are thus defined as private.

III.(a) List in order of numbers of homeless children, those municipalities having the greatest numbers of homeless children and youth.

Name of Municipality	Numbers of Children/Youth
Milwaukee	58
Madison	6
Kenosha	4
LaCrosse	2
Appleton	3
Racine	7

(b) Indicate the source of the information provided in III.(a).

Estimates based upon the ratio of AFDC population in these counties. Wisconsin will conduct a survey in January 1989 that will provide actual information.

IV. The sum of (a) and (b) should equal the total number reported in item I.(a).

(a) How many homeless children and youth are presently attending school in your State? 1800

(b) How many homeless children and youth are not attending school in your State? 100

(c) Indicate the source of information provided in IV(a) and (b).

See item I (a & b)

V. Indicate the reasons the homeless children and youth are not attending school in your State, and provide the basis for these conclusions.

The living arrangements of families in public and private homeless shelters is temporary, so it is not uncommon for some parents to delay school enrollment until more permanent living arrangements are available.

School aged mothers or pregnant teens will sometimes request to be formally waived from school attendance or just drop out of school.

Poverty conditions of the family, unemployment, illness and other economic factors, often impact on the children's school attendance.

(Use additional sheets, if necessary)

V. Continued from page 1

The homeless have other priorities ahead of school -- survival, food, shelter, and spending money. Homeless children have no place to do their homework and have no privacy. They may feel to uncomfortable and embarrassed to go back to school, so they just stay out.

VI. (a) List, in order of importance, the special educational needs of the homeless children and youth.

- To accommodate the special educational needs of homeless children and their families it is desireable for the school to have a Home-School Coordinator, (Social Worker, psychologist or teacher) to interview and screen the families and help the children to enroll.
- Homeless pupils should be screened academically by the Home-School Coordinator and designated staff--Chapter 1, Reading Specialist, and Educational Assistants -- and this information shared with the classroom teacher.
- Either the Home-School Coordinator or a member of the building team should call the previous school attended to facilitate the exchange of school information.
- The children should be provided Chapter 1 services when appropriate.
- Homeless pupils are usually lacking necessary supplies and should be provided pencils, paper, and markers, etc.
- Classroom teachers may assign "buddies" to show homeless pupils around and help them feel more at home.
- Homeless pupils should be encouraged to participate in the full range of school activiti including resources in the Learning Material Centers (LMC'c).
- When recommended M-Team evaluations should be initiated if it can be determined they would be completed before the family moves.
- Behavioral programs should be established for some homeless pupils as well as linkages to community services when possible.

Please see attached sheet.

(b) List, in order of importance, the difficulties you have encountered in identifying these needs.

- School personnel are not always aware who the homeless pupils are. Families are sensiti about their homeless situation.
- The timely transfer of school and health records of homeless pupils can be a problem. This is especially noticed if the family moves from another state. Records are held as leverage for collecting fees and other charges.
- Schools lack the resources, staff and facilities to adequately handle additional students.
- Interviews with representatives of community agencies indicate that existing laws, rules or agreements, restrict the agencies communication abilities regarding clients served.

"To the best of my knowledge, the facts and figures in this document are accurate."

Herbert J. Grover — 12/30/88

Chief State School Officer — Date

VI. (a) Continued from previous page...

- The nutritional needs of the homeless pupil should be evaluated and the necessary steps taken to accommodate their nutrional requirements.
- The physical and emotional health of the homeless pupil should be evaluated by a health professional and appropriate referrals made.